No. 87-253, 87-431, 87-462

In the Supreme Court of the United States

OCTOBER TERM, 1987

SUPREME COURT, U.S.
FILED
JAN 12 1988
JOSEPH F. SPANIOL, JR.
CLERK

OTIS R. BOWEN, SECRETARY OF HEALTH AND HUMAN SERVICES, APPELLANT

v.

CHAN KENDRICK, ET AL.

OTIS R. BOWEN, SECRETARY OF HEALTH AND HUMAN SERVICES, APPELLANT

v.

CHAN KENDRICK, ET AL.

CHAN KENDRICK, ET AL., CROSS-APPELLANTS

v.

OTIS R. BOWEN, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

JOINT APPENDIX
VOLUME I

JANET BENSHOOF
LYNN M. PALTROW
DAWN JOHNSEN
RACHAEL PINE
American Civil Liberties Union Foundation
132 W. 43rd Street
New York, New York 10036
(212) 944-9800

BRUCE J. ENNIS
Ennis, Friedman, Bersoff & Ewing
1200 17th St., N.W.
Suite 511
Washington, D.C. 20036
(202) 775-8100

Counsel for Appellees and Cross-Appellants

CHARLES FRIED
Solicitor General
Department of Justice
Washington, D.C. 20530
(202) 633-2217

Counsel for Appellant and Cross-Appellee

MICHAEL W. MCCONNELL
1111 E. 60th Street
Chicago, Illinois 60637
(312) 702-3306

Counsel for United Families of America

JURISDICTIONAL STATEMENT (No. 87-253)
FILED AUGUST 13, 1987
JURISDICTIONAL STATEMENT (No. 87-431)
FILED SEPTEMBER 14, 1987
JURISDICTIONAL STATEMENT (No. 87-462)
FILED SEPTEMBER 16, 1987
PROBABLE JURISDICTION NOTED NOVEMBER 9, 1987

TABLE OF CONTENTS

	Page
Relevant Docket Entries*	1
Plaintiffs' Amended Complaint for Declaratory and Injunctive Relief, December 29, 1983	24
Defendants' Answer to Amended Complaint, January 17, 1984	43
Excerpts from Depositions with Exhibits (date indicated is dated filed):	
REVEREND ROBERT E. VAUGHN, Methodist Minister of Beverly Hills Church, June 25, 1984	53
REVEREND LAWRENCE WILLIAM BUXTON, Minister of Floris Methodist Church, June 25, 1984	55
RABBI JACK A. LUXENBERG, Member of and representative for the American Jewish Congress, June 25, 1984	58
REVEREND HOMER A. GODDARD, Unitarian Universalist Minister of the First Parish of Sudbury, June 25, 1984	62
DR. EMMETT W. COCKE, JR., Minister of the Mount Vernon United Methodist Church, June 25, 1984	64
MARJORY MECKLENBURG, Deputy Assistant Secretary for Population Affairs; Director, Office of Adolescent Pregnancy Programs, June 19, 1984	67
PATRICK J. SHEERAN, Director, Division of Program Development and Monitoring in the Office of Adolescent Pregnancy Programs, March 26, 1984 and June 19, 1984	93

*All proceedings in this case took place in the United States District Court for the District of Columbia. A collateral appeal involving a discovery issue is reported is *Kendrick* v. *Heckler*, 778 F.2d 253 (5th Cir. 1985).

Page

Exhibits:
4. Excerpts from Outline for Prevention of Adolescent Pregnancy Program (Dep. p. 82) 163
13. Excerpts from Grant Application of Catholic Charities of Arlington (Dep. p. 232) 165
16. Excerpts from Notice of Grant Award (Dep. p. 253) 167
23. Excerpt from Family of the Americas Foundation Grant Application (Dep. p. 362) 168
24. Excerpt from Family of the Americas Foundation Grant Application (Dep. p. 365) 169
28. Excerpts from Report of Site Visit to Catholic Charities of Arlington (Dep. p. 381) 170
29. Excerpts from Curriculum for Good Shepherd Catholic Church (Dep. p. 384) ... 173
32. Excerpt from Letter from Larry Campbell, Community Family Life Program, to Patrick Sheeran, Office of Adolescent Pregnancy Programs (Dep. p. 389) 175

BARBARA ROSENGARD, Program Development Specialist, Office of Adolescent Pregnancy Programs, April 18, 1984 177

ELIZABETH N. WEST, Coordinator, Children's Services at Catholic Charities Diocese of Arlington; Project Director of CCDA's Parent/Teen Sexuality Program, April 20, 1984 186

Exhibits:
4. Excerpts from Grant Proposal of the Catholic Charities of the Diocese of Arlington (Dep. p. 60) 211

Page

5. Publicity Release about Grant Award to Catholic Charities (Dep. p. 61) 213

ANNE RIDDER, Formerly Religious Education Coordinator, Good Shepherd Catholic Church, April 20, 1984 214

Exhibit:
5. Letter from Anne Ridder, Good Shepherd Catholic Church, to Elizabeth West, Catholic Charities Children's Services (Dep. p. 14) 231

LINDA ANN CULLEN, Case worker, Children Services Department of Catholic Charities Diocese of Arlington; Group Facilitator, sexuality program offered by Catholic Charities, April 20, 1984 233

Exhibit:
6. Questions and Answers at St. Anthony's Program (Dep. p. 61) 239

JEAN M. LARSON, Formerly Youth Group Coordinator at Good Shepherd, April 20, 1984 246

Exhibits:
5. Excerpts from Agenda for Sexuality Seminar Planning Sessions (Dep. p. 20) 248
6. Minutes of Sexuality Seminar Planning Session (Dep. p. 20) 249
7. Notes from Father Creedon's Presentation at Sexuality Seminar (Dep. p. 20) 252
12. Outline and Discussion Questions for Father Creedon's Presentation (Dep. p. 41) 253

Page

JOHN CHARLES LOTHAMER, JR., Minister of Religious Education and Family Life Minister, St. Mark's Catholic Church, April 20, 1984 255

Exhibits:

4. Excerpts from Letter from John Lothamer to "Parents and Freshman/ Sophomore Teens" Regarding Human Sexuality Course (Dep. p. 24) 272
8. Excerpts from "Glossary of Key Terms and Definitions" Used in Human Sexuality Course (Dep. p. 24) 273

JOHN D. HORTUM, Associate Pastor/ Parochial Vicar, St. Mark's Catholic Church, April 20, 1984 277

SISTER ELYSE STAAB, Administrator, St. Ann's Infant and Maternity Home, May 14, 1984 286

Exhibits:

1. Excerpts from Original Grant Application of St. Ann's Infant and Maternity Home (Dep. p. 24) 294
2. Excerpts from Letter from Sr. Elyse Staab, St. Ann's, to Marjorie Mecklenburg, Office of Adolescent Pregnancy Programs, and Excerpts from St. Ann's Amended Grant Application (Dep. p. 24) 295

SISTER BETTY ANN MCNEIL, Assistant Administrator, St. Ann's Infant and Maternity Home; Project Director for the AFLA grant to St. Ann's, May 14, 1984 296

ROBERT A. HUTSON, Director, Center for Life, Providence Hospital, March 28, 1984 ... 312

Page

Exhibit:

1. Statement of Philosophy of Board of Trustees of Providence Hospital (Dep. p. 15) 323

MARY CHRISTINE O'KEEFE, Coordinator of Natural Family Planning and Adolescent Fertility Awareness at the Center for Life, Providence Hospital, March 28, 1984 326

Exhibits:

4. Excerpt from Curriculum at St. Ann's (Dep. p. 33) 344
5. Handout on Methods of Contraception, Used in St. Ann's Curriculum (Dep. p. 38) . 350
12. Excerpts from *Sex, Love and the Believing Girl,* by John McGoey, Used in St. Ann's Curriculum (Dep. p. 43) 354
14. Excerpts from *Birth Control: Why Are They Lying To Women?,* by J.C. Espinosa, M.D., Used in St. Ann's Curriculum (Dep. p. 43) 363
15. Excerpts from *The Good News About Sex,* Used in St. Ann's Curriculum (Dep. p. 43) . 367
16. "Introduction to Rainbow Program," Used as Part of Center for Life Adolescent Program (Dep. p. 49) 370
18. Excerpts from "The Rainbow Program Curriculum: Adolescent Component" Used in St. Ann's Program (Dep. p. 49) 372
25. Written Reaction of One of the Participants in the St. Ann's Program (Dep. p. 65) 373

Page

Exhibits – Continued:
26. Initial Progress Report on St. Ann's Program (Dep. p. 71) 374
27. Year End Report, 1983, for Center for Life Programs (Dep. p. 78) 378

MERCEDES WILSON, Executive Director, Family of the Americas Foundation, March 6, 1986 379

Exhibits:
4. Excerpts from "Why the Ovulation Method-Billings," Printed and Distributed by Family of Americas Foundation (Dep. p. 36) 385
5. Excerpts from *Wanderer* Interview with Mercedes Wilson (Dep. p. 40) 387
8. Excerpts from "Adolescent Sexuality Program" Prepared by Mercedes Wilson (Dep. p. 60) 389
12. Excerpts from "Christian Sexuality Program," by Mercedes Wilson (Dep. p. 68) ... 390
15. Excerpts from "Methods of Family Planning" (Dep. p. 71) 391

NANCY BOUCHARD-FINKE, Director, Family Life Services Department, St. Margaret's Hospital for Women, March 6, 1986 401

MARY CONROY, Director of Family Life Education, St. Margaret's Hospital for Women, March 6, 1986 410

Exhibits:
6. Excerpts from St. Margaret's Curriculum (Dep. p. 109) 417
9. Excerpts from Letter from Sr. M. Joanice, St. Agatha School, to Mary Conroy, St. Margaret's (Dep. p. 124) 427

Page

Exhibit:
14. Excerpts from Letter from Charles Dewey, Confraternity of Christian Doctrine, to Parents and Students at St. Mary's High School (Dep. p. 131) 428
15. "Filmstrips – Sex Education Series" (Dep. p. 134) 429
20. List of Training Sessions and Places Involving Clergy and Faculty (Dep. p. 159) 431

REVEREND JOHN E. FORLITI, Director of Youth Programs and Project Director for Search Institute's Life and Family National Demonstration Project, July 9, 1984 433

Exhibits:
1. Excerpt from Search Institute Grant Proposal (Dep. p. 52) 433
8. Excerpt from Report of President to the Board of Directors, Search Institute, March 1984 (Dep. p. 148, 168) 435

Excerpts from Defendant's Statement of Material Facts (Vol. 1) 436

Excerpts from Defendant's Statement of Material Facts (Vol. 2) 442

Excerpts from Defendant's Statement of Material Facts (Vol. 3) 458

Excerpts from Defendant's Statement of Material Facts (Vol. 4) 496

Excerpts from Volume I of Appendix to Plaintiffs' Statement of Material Facts, filed November 19, 1984

Page
351 Excerpt from Grant Reader's Evaluation of Application Made by Baltimore City 509

Page

Exhibit – Continued:

Page
352 Excerpt from Grant Reader's Evaluation of Application Made by San Diego University Foundation 509
356 Excerpt from Grant Reader's Evaluation of Application Made by Catholic Diocese of Memphis 510
379-80 Letter to E. Peterson from Caroline Gaston re: Her Concerns About the Review Process, dated May 16, 1983 511
614 Excerpt from Catholic Family Service, Inc., Amarillo, Texas Grant Application 513
708 Excerpts from Notice of Grant Award with Restriction on Religious Involvement 514

Excerpts from Volume II of Appendix to Plaintiffs' Statement of Material Facts, filed November 19, 1984

Page
32-33 Excerpt from St. Margaret's Grant Application 515
146-147 Letter to Sister Natwin from M. Mecklenburg, dated April 16, 1984 517
148 Letter from Sister Natwin to M. Mecklenburg, dated August 2, 1984 520
494 Excerpt from Student Evaluation of AFLA Program Conducted at Archbishop Williams High School for Grade 12 522
514 Excerpt from Student Evaluation of AFLA Program Conducted at Archbishop Williams High School for Grade 12 523
528 Course Instructor Comments of St. Margaret's Program at Holy Cross 524

Page

Page
587-605 Affirmation of Dr. Louis Laz re: St. Margaret's Hospital Policies And Practices .. 525
607-614 Excerpts from "Ethical and Religious Directives" for Catholic Health Facilities (Exhibit to Dr. Laz's Affirmation) 540
618 Excerpt from "House Officers Contract" (Exhibit to Dr. Laz's Affirmation) 545
625 Memo from Vincent P. Sullivan, M.D., Director, Ambulatory Services at St. Margaret's Hospital, Regarding Referral for Tubal Ligation, Artificial Family Planning or Abortion, dated July 18, 1983 546
626 "Guidelines for Amniocentesis at St. Margaret's Hospital" 547
627-632 Affirmation of Kim Maisenbacher, R.N. Former Employee at St. Margaret's Hospital . 549
633-637 Excerpts from St. Margaret's Hospital "Employee Handbook" (Exhibit to Kim Maisenbacher's Affirmation) 554

Excerpts from Volume IV of Appendix to Plaintiffs' Statement of Material Facts, filed November 19, 1984

Page
56-58 Affirmation of Reverend James Dittes in Support of Plaintiffs' Motion for Summary Judgment 556
106 Excerpt from Study Guide for Film Used in Catholic Family Service, Inc., Amarillo, TX . 559
107 Excerpt from Suggested Outline for Parent Workshops, Catholic Family Service, Inc., Amarillo, TX 560
127 Excerpt from Amarillo Globe-Times Article, Nov. 24, 1982 re: AFLA grant to Catholic Family Service of Amarillo 561

Page

129, 130, 131, 137 Excerpts from Grant Application of SEMO Association of Public Health Administration, Bootheel Adolescent Family Life Project 562

145-147 Excerpt from Description of SEMO Program by Larry Campbell Sent to Patrick Sheeran, OAPP, October 19, 1983 565

151 Statistical Summary of SEMO Presentations for 1983, Prepared by Larry Campbell for Patrick Sheeran, OAPP 567

206 Letter from William Ingersoll, Belcher and Dixie Presbyterian Churches, to Sandy Kahn, Adolescent Family Life Project, Northwest Regional Office 568

239 Letter from Reverend Robert Weakley, O.F.M., Pastor of Sacred Heart Church, to Eileen Greischar, Administrator of Lyon County Health Department, dated April 22, 1982 570

316 Excerpt from Grant Application of Cities In Schools, Inc. 572

333 Letter from Mary J. Pasley, Director of Christian Education, Boone Memorial Presbyterian Church, to Terry Riley, Administrator of Community Health Clinics, Inc., dated April 15, 1982 573

355 Letter from Gail E. Zettel, Director of Adolescent Family Life Demonstration Project at Catholic Social Services of Wayne County, dated March 18, 1983 575

363 Flyer from Catholic Social Services of Wayne County Introducing as "A Parish Resource" CSSWC's "Communication Around Sexual Issues" Program 576

402-403 Excerpts from Grant Application of Charles Henderson Child Health Center, Troy, Alabama 577

Page

411 Excerpts from Grant Application of Hawaii Department of Health, Maternal and Child Health Branch 579

428-433 Excerpts from a Play Presented by Denmark-Olar High School Peer Counselors' Theater as Part of the University of South Carolina's AFLA-Funded "School/Community Sexual Risk Reduction Program for Teens" 580

Excerpts from Volume V of Appendix to Plaintiffs' Statement of Material Facts, filed November 19, 1984

Page

119-120 Letter from Mercedes Wilson to Pope John Paul II, dated December 2, 1983 581

Excerpts from Volume V-A of Appendix to Plaintiffs' Statement of Material Facts, filed November 19, 1984

Page

601-602 Excerpt from FAF grant application for "Fertility Appreciation for Families" program 584

638-639, 641-642, 656-662 Excerpts from Billings Ovulation Method "Adolescent Sexuality Program" 586

Excerpts from Volume VI of Appendix to Plaintiffs' Statement of Material Facts, filed November 19, 1984

Page

68-78 Affidavit of Dr. Paul Simmons 590

137-39 Affidavit of Rabbi David Feldman 591

141-143 Affidavit of Rev. Beverly Harrison 601

153-155 Affidavit of Frederica Hodges 603

217-220 Affidavit of Rev. John Philip Wogaman (Entered as Docket No. 156) 605

Page

Excerpts from Appendix of Supplemental Affidavits and Exhibits to Plaintiffs' Opposition to Defendants' Summary Judgment Motion, Feb. 25, 1985

Page

40-41 Boston Archdiocese's Guidelines on Sex Education, Provided by St. Margaret's, Used by the School Committee of Boston in its Development of a Sex Education Program ... 608

51-52, 73, 96-98, 124-125 Excerpts from Affidavit of Asta Kenney and Attachments of Drafts of the AFLA 611

151-154 Excerpts from Brigham Young University General Catalogue 1984-85 616

Excerpts from "Plaintiffs' Statistical and Narrative Summaries of Defendants' Responses to Plaintiffs' Material Facts," Attached to Plaintiffs' Opposition to Defendants' Summary Judgment Motion, filed February 25, 1985 619

Affidavit of Dr. James E. Dittes, attached to Defendants' Reply Memorandum Regarding Severability, filed June 4, 1987 624

Selection of Attachments to the Affirmation of Janet Benshoof, filed Feb. 17, 1984:

Letter to James J. Card Knox from Mercedes Wilson, dated May 23, 1982 627

Letter to Charles E. Costello, from Mercedes Wilson, dated August 3, 1983 628

Letter to Pope John Paul II from Mercedes Wilson, dated December 2, 1983 629

Exhibits to Supplemental Affirmation of Janet Benshoof in Support of Motion to Compel and to Extend Discovery Period, March 7, 1984:

Exhibit M. Outline of Religious Curriculum for St. Margaret's 630

Page

Affidavit of Reverend Bruce Ritter 639

Affidavit of Carol A. Bervera 642

Notice of Grant Award SeMo Association of Public Health Administrators, Inc. 646

Letter from Marjory E. Mecklenburg to Sister Kathleen Natwin (9/12/84) 671

Letter from Marjory E. Mecklenburg to Sister Betty Ann McNeil (10/12/84) 673

Letter From Marjory E. Mecklenburg to Susan Lax (10/12/84) 675

Declaration of Thomas F. Duncan 677

Excerpts from Plaintiff's Statement of Material Facts with Plaintiffs' Characterization of Defendants' Responses, February 25, 1985 681

Declaration of Larry Campbell 691

Excerpt from the Declaration of Gail Zettel 693

Excerpts from the Declaration of Larry Watson .. 694

Letter from Loretta Fuddy to Joel M. Mangel 696

Letter from Sherry Betts to Joel M. Mangel 698

Excerpt from the Camden County Adolescent Family Life Program's Replies to Interrogatories .. 700

Cover Page of the Camden County Adolescent Family Life Program Progress Report 702

Excerpts from the 1983 Progress Report of Catholic Family Services of Amarillo, Texas 703

Excerpts from the Progress Report of the Pima Associated Services for Adolescent Family Education Project (PASAFE) 714

Excerpt from the 1982 Application of SeMo Association of Public Health Administrators, Inc. 718

Excerpts from the 1984 Progress Report of SeMo Association of Public Health Administrators, Inc. 719

Page

Excerpt from the Curriculum of the Teen Parent Center of the Louisiana Dept. of Health and Human Resources 727

SeMo Parent Sexuality Education Workshop Revised Curriculum 723

Letter from Jo Ann Gasper to Elizabeth West, Catholic Charities of Arlington, dated May 9, 1985 (Filed as attachment to Declaration of Jo Ann Gasper, October 29, 1985) 742

Declaration of Jo Ann Gasper (5/12/87) 744

Affidavit of Peggy Sanchez (4/24/87) 769

Second Supplemental Declaration of Jo Ann Gasper (5/14/87) 773

Declaration of Jo Ann Gasper (June 4, 1987) 779

Exhibit A to Declaration of Jo Ann Gasper, Attached to Federal Defendant's Response to Court's Order for Submission of Information Relevant to Defendant's Stay Motion, filed May 13, 1987 787

Letter from Thomas Millet to Janet Benshoof Regarding Religiously Affiliated Grantees, Attached to Defendants' Memorandum of Points and Authorities in Reply to Plaintiffs' Opposition to Motion for a Stay, filed May 6, 1987 794

Order Noting Probable Jurisdiction 796

The following opinions and orders have been omitted in printing this joint appendix because they appear on the following pages in the appendix to the Appellant's Jurisdictional Statement.

Opinion of the United States District Court for the District of Columbia, filed April 15, 1987 ..... 1a

Order of the United States District Court for the District of Columbia, filed April 15, 1987 ..... 47a

Order of the United States District Court for the District of Columbia regarding Severability and Defendant's Rule 59(e) Motion filed August 13, 1987 ..... 52a

RELEVANT DOCKET ENTRIES

Case No. Civ. 83-3175

10/26/83

1. COMPLAINT; Attachments; Appearance. (io)

SUMMONS (4) issued. (io)

12/29/83

6. AMENDED COMPLAINT of plaintiffs. (io)

1/16/84

9. ANSWERS of Federal defendants to plaintiffs' first set of interrogatories to defendant Heckler. (ew)

10. ANSWERS of federal defendants to plaintiffs' first set of interrogatories to defendant Mecklenburg; Tab A-J. (ew)

11. JOINT MOTION (filed 1/13/84) to submit agreed statement of material facts not in dispute out of time. ("Let this be filed") (fiat) RICHEY, J. (io)

1/17/84

12. AGREED STATEMENT of material facts not in dispute by plaintiffs and defendants. (Filed 1/13/83)

13. ANSWER of defendants to amended complaint. ("Let this be filed") (fiat) RICHEY, J. (io)

3/14/84

52. STIPULATION by plaintiffs and defendants concerning identities of readers and reviewers

utilized by defendants in 1982 and 1983 grant reviews. (io)

3/20/84

51. ANSWERS by plaintiffs to defendants' first request for production of documents to plaintiffs and defendants' first set of interrogatories to plaintiffs. ("Let this be filed") (Signed 3/19/84) RICHEY, J. (mj)

3/26/84

55. DEPOSITION of Patrick J. Sheeran taken 2/7/84 on behalf of parties; errata sheets; Exhibits 1 thru 47. COURT COPY (io)

56. DEPOSITION of Patrick J. Sheeran taken 2/8/84 on behalf of parties; errata sheets; Exhibits 1 thru 16. COURT COPY (io)

57. DEPOSITION of Patrick Sheeran taken 2/22/84 (continue) on behalf of parties; errata sheets; Exhibits 1 thru 114. COURT COPY (io)

3/28/84

59. DEPOSITION of Mary Christine O'Keefe taken 3/20/84 on behalf of plaintiffs; signature waived. COURT COPY (io)

60. DEPOSITION of Robert A. Hutson taken 3/20/84 on behalf of plaintiffs; signature waived; Exhibits 1 thru 5. COURT COPY (io)

4/ 5/84

67. TRANSCRIPT OF PROCEEDINGS from 3/8/84; pages 1 thru 43; (Rep: Mindi L. Colchico). COURT COPY (io)

4/16/84

70. NOTICE of plaintiffs of filing corrections/amendments to plaintiffs' answers to defendants' first set of interrogatories filed 3/13/84. (io)

72. SUPPLEMENTAL ANSWERS of plaintiffs to defendants' first set of interrogatories. (io)

4/18/84

74. DEPOSITION of Barbara Rosengard taken on March 2, 1984 on behalf of the plaintiffs; Errata Sheet; Exhibits 1 thru 7. (mj)

4/20/84

75. DEPOSITION of Margaret Anne Ridder taken 2/1/84 on behalf of plaintiffs; errata sheet; Exhibits 1 thru 8. COURT COPY (io)

76. DEPOSITION of Jean M. Larson taken 2/1/84 on behalf of plaintiffs; signature waived; Exhibits 1 thru 6. COURT COPY (io)

77. DEPOSITION of John Charles Lothamer, Jr. taken 2/1/84 on behalf of plaintiffs; signature waived; Exhibits 1 thru 13. COURT COPY (io)

78. DEPOSITION of Linda Ann Cullen taken 2/2/84 on behalf of plaintiffs; signature waived; Exhibits 1 thru 6. COURT COPY (io)

79. DEPOSITION of John D. Hortun taken 2/2/84 on behalf of plaintiffs; signature waived; Exhibit 1. COURT COPY (io)

80. DEPOSITION of Elizabeth N. West taken 2/2/84 and 2/3/84 on behalf of plaintiffs; errata sheet; Exhibits 1 thru 19. COURT COPY (io)

4/30/84

88. RESPONSE of defendants to plaintiffs' first request for production of documents. (io)

89. ANSWERS of defendants to plaintiffs' second set of interrogatories. (io)

5/ 9/84

91. SUPPLEMENTAL INTERROGATORY ANSWERS of plaintiffs to defendants' first set of interrogatories and first request for production of documents. (io)

5/14/84

92. DEPOSITION of Sister Elyse Staab taken on behalf of plaintiffs on 3/21/84. (ew)

93. DEPOSITION of Sister Betty Ann McNeil taken on behalf of plaintiffs on 3/21/84. (ew)

5/23/84

94. STIPULATION filed 5/17/84 directing that the following deposition exhibits and pages are sealed:
1. Underwood Deposition Exhibits 3, 4 and 8;
2. David Deposition Exhibits 3, 4, 6 and 7;
3. David Deposition pages 35-36;
4. Thompson Deposition Exhibit 1, Approved. (fiat) (N) RICHEY, J. (fs)

95. ANSWERS of defendants to plaintiffs' third set of interrogatories. (io)

97. DEPOSITION of Julianne Davis taken 4/10/84 on behalf of plaintiffs; errata sheet; Exhibits. COURT COPY (io)

6/ 4/84

99. RESPONSE of defendants to plaintiffs' second request for production of documents; Exhibits A through C; Volumes 1 through 5. (io)

6/ 5/84

100. STIPULATION directing that the following portions of the transcript of the deposition of Ernest Peterson and Patrick Sheeran be sealed: Peterson Exhibits 2, 3, 4, and 5;

Peterson deposition pages 45-47 and 49-50; Sheeran Exhibits 38, 39, 40, 41, 42, and 43: Sheeran deposition, page 561 approval (fiat) (N) RICHEY, J. (nb)

101. PAGES 35 and 36 Exhibits 3, 4, 6 and 7 to Davis deposition filed 5/23/84 SEALED. (Place in safe in Room 1800 pursuant to order of 5/17/84) RICHEY, J. (io)

6/ 8/84

102. STIPULATION directing that the following portions of the transcripts of the deposition of Marjory Mecklenburg be sealed: Exhibits 3, 4, 5, 6, 7, 13, 14, 15 and 16; pages 109, 112-124, 126-129, 131-140, 266-269, 271, 272, 330-334, approved. (fiat) (N) RICHEY, J. (io)

6/11/84

104. EXHIBITS 1 thru 3 to the deposition of Sister Elyse Staab filed 5/14/84. (io)

105. EXHIBITS 1 thru 6 to the deposition of Sister Betty Ann McNeil filed 5/14/84. (io)

106. EXHIBITS 1 thru 28 to the deposition of Christine O'Keefe filed 3/28/84. (io)

6/19/84

107. DEPOSITION of Donald Underwood taken 4/11/84 on behalf of plaintiffs; errata sheet; Exhibits. COURT COPY (io)

108. DEPOSITION of Patricia G. Thompson taken 4/12/84 on behalf of plaintiffs; Exhibits 1 thru 9. COURT COPY (io)

109. DEPOSITION of Marjory E. Mecklenburg taken 4/18/84 on behalf of plaintiffs; errata sheet. COURT COPY (io)

110. DEPOSITION of Ernest G. Peterson taken 4/17/84 on behalf of defendants; errata sheet; Exhibits 1 thru 153 (filed in clear binder). (io)

111. DEPOSITION of Marjory E. Mecklenburg taken 4/19/84 on behalf of plaintiffs; errata sheets; Exhibits. COURT COPY (io)

112. DEPOSITION of Patrick J. Sheeran taken 4/19/84 on behalf of plaintiffs; errata sheets; Exhibits. COURT COPY (io)

113. DEPOSITION OF UNDERWOOD taken on 4/11/84 (Exhibits 3, 4 and 8.) FILED UNDER SEAL – (FILED IN ROOM 1800). (mj)

114. DEPOSITION OF THOMPSON taken on 4/12/84 (Exhibit 1). FILED UNDER SEAL – FILED IN 1800. (mj)

115. DEPOSITION OF ERNEST PETERSON taken on 4/17/84 (pages 45-47 and 49-50). FILED UNDER SEAL – FILED IN ROOM 1800. (mj)

115. DEPOSITION of ERNEST PETERSON taken on 4/17/84 (Exhibit Nos. 2, 3, 4 and 5.) FILED UNDER SEAL – FILED IN ROOM 1800

116. DEPOSITION of MARJORY MECKLENBURG taken on 4/18/84 (pages 109, 112-124, 126-129 and 131-140). (Exhibits 3 through 7 and 13 through 16) (pages 266-269, 271, 272, 330-334). FILED UNDER SEAL – ROOM 1800. (mj)

117. DEPOSITION of SHEERAN taken on 4/19/83 (page 561). (Exhibits 38-43). FILED UNDER SEAL – ROOM 1800. (mj)

6/25/84

118. DEPOSITION of Emmett W. Cocke taken on 4/19/84; Exhibits. (ew)

119. DEPOSITION of Homer A. Goodard taken on 4/19/84; Exhibits. (ew)

120. DEPOSITION of Jack A. Luxenburg taken on 4/19/84; Exhibits. (ew)

121. DEPOSITION of Lawrence W. Buxton taken on 4/20/84; Exhibits. (ew)

122. DEPOSITION of Robert E. Vaughn taken on 4/20/84; Exhibits. (ew)

7/ 9/84

124. DEPOSITION of Kay Ek taken on 4/3/84; Errata sheet, Exhibits 1 through 12. (mj)

125. DEPOSITION of Reverend John E. Forliti taken on 4/4/84; Errata Sheet; Exhibits (Separate Binder). (mj)

7/25/84

130. TRANSCRIPT of proceedings held 7/11/84; pages 1 thru 35; (Rep: Mindi L. Colchico). (mj)

7/27/84

131. STIPULATION filed 7/26/84 directing that page 143 of the Marjory Mecklenburg deposition be sealed, approved. (fiat) (N) RICHEY, J. (io)

10/ 3/84

136. RESPONSE of plaintiffs to defendants' first request for admissions. (io)

137. RESPONSES of plaintiffs to defendants' second set of interrogatories. (io)

10/22/84

141. NEGOTIATED FACTS by plaintiffs filed as of 10/22/84. (11 – Facts Attached).

10/25/84

143. NOTICE of plaintiffs of filing additional negotiated facts. (io)

10/26/84

144. MOTION of Sammie J. Bradley, Katherine K. Warner, and United Families of America for leave to intervene; memorandum in support; affidavits of Katherine K. Warner; and Sammie Jean Bradley; Exhibit (Answer to amended complaint); $5.00 USCA fees paid and credited to U.S. Treasury; (Appearance: Paul Arneson; 1101 Connecticut Avenue, NW; 20036; (202) 659-8201). (io)

10/31/84

146. ORDER filed 10/30/84 granting leave to Sammie J. Bradley, Katherine K. Warner, and United Families of America to intervene as parties defendant in this action. (N) RICHEY, J. (io)

147. ANSWER to defendants-intervenors Bradley; Warner; and United Families of America to amended complaint. (io)

11/ 5/84

148. ORDER filed 10/31/84 vacating court's order of 10/30/84 allowing Sammie J. Bradley, Katherine K. Warner and United Families of America to intervene as a party defendant. (N) RICHEY, J. (io)

149. TRANSCRIPT OF PROCEEDINGS from 10/31/84; pages 1 thru 37; (Rep: Harry Deutsch). (io)

11/13/84

151. MEMORANDUM of plaintiffs in opposition to motion for leave to intervene; Exhibits 3 and 4. (io)

11/14/84

153. RESPONSE of defendants to motion for leave to intervene. (io)

11/19/84

155. NOTICE of plaintiffs of filing motion for summary judgment; motion for summary judgment; p&a's in support; table of contents; table of authorities; statement of material facts, Volumes I through III; Appendix, Volumes I through VI (filed in white binders). (io)

11/27/84

156. AFFIDAVIT of Reverend John Philip Wogaman. (mj)

157. ORDER filed 11/26/84 admitting Grover Rees III to appear pro hoc vice on behalf of defendants-intervenors Bradley, Warner, and United Families of America along with counsel Paul Arneson of Williams and Jensen. (N) (Signed 11/21/84). RICHEY, J. (mj)

158. ORDER granting motion of defendants-intervenors to intervene; directing that the intervenors will take no further discovery and will respond to plaintiffs' motion for summary judgment no later than 11/27/84 and file their own dispositive motion by 12/3/84. (Signed 11/21/84). (N) RICHEY, J. (mj)

12/ 4/84

161. MOTION by Americans United for Life, Inc. to file Brief *Amicus Curiae* in opposition to plaintiffs' motion for summary judgment; p&a's; Exhibit (Brief of *Amicus Curiae*) filed as of 11/29/84. (mj)

162. MOTION by defendants-intervenors for summary judgment. Statement of material facts; Motion in support of motion for summary judgment; Table of Contents; Appendices A through D. (mj)

12/ 5/84

163. MOTION by United States Catholic Conference for leave to file Memorandum *Amicus Curiae* and p&a's in support of motion; Exhibit (Memorandum of Points and Authorities of the U.S. Catholic Conference as *amicus curiae* in support of defendants). (mj)

12/ 7/84

164. NOTICE OF FILING by defendants; Declaration of Maurice E. Weir. (mj)

166. MOTION by defendants for judgment on the pleadings or in the alternative for summary judgment; p&a's; Table of Contents; Table of Authorities; Declaration of Theodore C. Hirt. (mj)

12/12/84

167 MOTION by defendant/intervenors for leave to file corrected copies; EXHIBIT (Motion for summary judgment-corrected copy). (mj)

12/14/84

170. ORDER granting motion of defendant/intervenors for leave to file corrected copies of their motion for summary judgment and in opposition to plaintiffs' motion for summary judgment. (N) RICHEY, J. (mj)

171. MOTION by defendant-intervenors for summary judgment. Statement of material facts; p&a's; Table of Contents; Table of Authorities (mj)

174. BRIEF filed as of 12/13/84 of *Amicus Curiae*, Americans United for Life, Inc., in opposition to plaintiffs' motion for summary judgment. (mj)

175. MEMORANDUM OF POINTS AND AUTHORITIES filed as of 12/13/84 of the U.S. Catholic Conference as *Amicus Curiae* in support of defendants. (mj)

1/22/85

181. NOTICE OF FILING by defendants; Memorandum of points and authorities in opposition to plaintiffs' motion for summary judgment on Count II of the amended complaint and in support of defendants' motion for summary judgment; Table of Contents; Table of Authorities; Appendix; defendants' response to plaintiffs' statement of material facts—(3 volumes); defendants statement of material facts—(4 volumes); Declarations—(2 volumes); Table of Contents of volumes; Administrative Records—(8 volumes). (mj)

2/25/85

185. OPPOSITION by plaintiffs to defendants' motions for summary judgment and for judgment on the pleadings, and reply to defendants' opposition to plaintiffs' motion for summary judgment; Table of Contents; Table of Authorities; response to defendant-

intervenors' statement of material facts; statement of material facts with plaintiffs' characterization of defendants' response (volumes I through III); response to defendants' statement of material facts; Appendix of supplemental affidavits and exhibits; statistical and narrative summaries of defendants' responses to plaintiffs' material facts. (mj)

3/11/85

188. NOTICE by plaintiffs of motion for leave to file signed affidavits; affidavit authenticating drafts of the Adolescent Family Life Act; affidavit of Margaret Traxler; attachment; affirmation of plaintiffs' counsel in support of motion to file signed affidavits. (aw)

3/13/85

189. MEMORANDUM OF POINTS AND AUTHORITIES by plaintiffs. *Amici Curiae* in support of motion for summary judgement; Table of Contents; Table of Authorities. (aw)

3/27/87

190. ORDER allowing plaintiffs to file signed affidavits of Asta Kenney and Margaret Traxler. (N) RICHEY, J. (aw)

4/ 3/85

192. NOTICE by plaintiffs to amend the record of plaintiffs' supplemental appendix, filed 2/25/85.

193. MOTION by plaintiffs to amend record; attachment. (aw)

194. AFFIRMATION by plaintiffs counsel in support of motion to amend the record. (aw)

4/11/85

196. REPLY by defendant-intervenors to plaintiffs opposition to defendant-intervenors' motion for summary judgment; Table of Contents; Table of Authorities; preliminary statement. (aw)

197. RESPONSE by defendants to plaintiffs' statistical and narrative summaries of defendants' responses to plaintiffs' material facts. (aw)

198. REPLY by defendants of memorandum of points and authorities in support of defendants' motion to dismiss, or in the alternative, for judgment on the pleadings and in support of defendants' alternative motion of summary judgment on Count II of the complaint; attachments. (aw)

5/ 7/85

201. ORAL motion of defendant-intervenors for leave for Edward R. Grant to appeal pro hoc vice heard and granted; cross motion of parties for summary judgment heard and taken under advisement. Rep: H. Deutsch. RICHEY, J. (hls)

5/ 8/85

202. NOTICE OF FILING by defendant of declaration of Thomas F. Duncan, M.D.; attachment. (hls)

5/24/85

204. RESPONSE by defendants to plaintiffs' 5/15/85 submission regarding Decker v. O'Donnell. (hls)

5/31/85

205. NOTICE OF FILING by defendant; attachment. (hls)

6/ 7/85

206. NOTICE of filing by plaintiffs; attachment. (hls)

6/14/85

207. NOTICE of filing by plaintiffs; plaintiffs' response to defendants' memorandum of law of 5/24/85 and post summary judgement submission of the affidavit of Dr. Thomas F. Duncan. (hls)

6/18/85

208. RESPONSE by defendant to plaintiffs' 6/6/85 notice of filing. (hls)

7/10/85

210. NOTICE of filing by plaintiffs a supplementary memorandum on new Supreme Court Opinion on the establishment clause; addendum 1 through 5. (hls)

211. SUPPLEMENTAL memorandum of law by defendant-intervenors in support of motion for summary judgment. (hls)

213. MEMORANDUM of the United States Catholic Conference *Amicus Curiae* concerning Supreme Court establishment clause cases. (hls)

7/15/85

215. MEMORANDUM by defendant in response to the Court's 7/2/85 order; table of contents; table of authorities. (hls)

8/ 8/85

216. MEMORANDUM by defendants in response to plaintiffs July 9, 1985 supplemental memorandum; memorandum by defendants; attachments. (aw)

8/12/85

217. TRANSCRIPT OF PROCEEDING taken 5/7/85; pages 1 through 136; Rep: Harry Deutsch. (dj)

10/ 9/85

218. MEMORANDUM by defendants of P&As in response to plaintiffs' list of statutes invalidated on their face. (df)

10/21/85

219. NOTICE of filing by plaintiffs; plaintiffs' brief response to defendants' latest memo dated 10/9/85. (hls)

10/29/85

220. NOTICE of filing by defendant Secretary of the United States Department of Health and Human Services; declaration of Jo Ann Gasper; attachments A through C. (hls)

2/ 6/86

222. DEPOSITION of Shula Hurley taken 1/27/84; attachment. (kc)

224. DEPOSITION of Alice Rusbar taken 1/27/84; attachment. (kc)

225. DEPOSITION of Jane Leung taken 1/17/84 on behalf of plaintiffs; exhibits. (kc)

2/20/86

226. NOTICE by defendant of filing the January 27, 1986 decision of the United States

Supreme Court in *Witters v. Washington Department of Services for the Blind*; Attachment. (fs)

3/ 3/86

227. RESPONSE by plaintiffs to defendant's notice of filing. (hls)

3/ 6/86

228. DEPOSITION of Janet L. Hirsch taken 3/14/84; attachments. (hls)

229. DEPOSITION of Nancy Bouchard-Fincke taken 5/7/84. (hls)

230. DEPOSITION of Mercedes Wilson taken 1/27/84; attachments (hls)

231. DEPOSITION of Mary Conroy taken 2/6/84; attachments. (hls)

3/10/86

233. RESPONSE by defendant to plaintiffs' filing concerning the Witters decisions. (hls)

4/ 2/86

234. MOTION by plaintiffs to supplement the record; affirmation; notice; exhibit (supplement to the record). (kc)

4/15/86

235. MEMORANDUM of defendants in partial opposition to plaintiffs' motion for leave to supplement the record; attachment (bm)

4/21/86

236. NOTICE by defendant Dr. Otis R. Bowen, Jr. of filing the attached March 25th, 1986 decision of the Supreme Court. (kc)

5/ 6/86

237. NOTICE by plaintiffs of filing their response to notice of defendant's notice of filing dated 4/21/86; response. (fs)

5/12/86

238. ORDER directing that plaintiffs be allowed to amend the record to plaintiffs' motion for summary judgment to include letters from Mercedes Wilson to Pope John Paul II, John Cardinal Knox, Charles Costello and the letter from Charles Costello to Mercedes Wilson. (N) (Signed 5/6/86). RICHEY, J. (mew)

5/14/86

239. SUPPLEMENT to defendants' memorandum in partial opposition to plaintiffs' motion for leave to supplement the record.(mew)

5/30/86

240. MEMORANDUM of defendants in response to plaintiffs' supplementation of the record; declaration of Mercedes Arzu Wilson. (mf)

7/21/86

241. NOTICE of filing by defendant Dr. Otis R. Bowen, Jr.; attachment. (hls)

7/29/86

242. RESPONSE by plaintiffs to defendant's notice of filing date July 21, 1986; attachment. (je)

9/ 4/86

243. NOTICE by plaintiffs of filing and response to defendant's reply in support of its 7/21/86 notice of filing; attachment. (je)

9/16/86

244. RESPONSE by defendant to plaintiffs' 9/5/86 notice of filing. (je)

9/22/86

245. RESPONSE (supplement) by defendant to plaintiffs' 9/5/86 notice of filing; attachment. (je)

4/20/87

246. MEMORANDUM Opinion filed 4/15/87. (cp)

247. ORDER filed 4/15/87 granting plaintiffs' motion for a declaratory judgment only as applied to religious organizations involved in carrying out the programs and purposes of the Act; granting plaintiffs' motion for an injunction prohibiting all funding only as it pertains to religious organizations under the Adolescent Family Life Act; denying defendants and defendants-intervenors' motions for summary judgment; directing parties to submit additional briefs on certain issues within thirty days and replies within ten business days thereafter. (N) RICHEY, J. (cp)

4/24/87

248. MOTION by defendant HHS for stay pending final judgment, or, in the alternative, pending appeal and motion to shorten time for responses; exhibits (10). (je)

4/28/87

249. NOTICE by defendants of filing of affidavit of Carol A. Bervera in support of motion for stay; attachment. (je)

4/29/87

251. MOTION by federal defendants to alter or amend judgment. (je)

4/30/87

252. MOTION by intervenors to adopt federal defendants' motion for stay pending final judgment, or, in the alternative, pending appeal and motion to shorten time for responses. (je)

5/ 4/87

253. RESPONSE by plaintiffs in opposition to defendants' motion for stay pending final judgment or in the alternative pending trial; attachment. (je)

5/ 6/87

254. REPLY by defendants to plaintiffs' opposition to motion for stay. (je)

5/ 8/87

255. ORDER directing defendants to submit certain information concerning AFLA grantees and subgrantees by 5/12/87. (N) RICHEY, J. (je)

256. NOTICE by defendants of filing of affidavit of Carol Bervera; attachment. (je)

5/13/87

260. RESPONSE filed 5/12/87 by federal defendants to Court's 5/8/87 Order for submission of information relevant to defendants' 4/24/87 stay motion; declaration; exhibits (6). (je)

5/14/87

261. NOTICE OF FILING filed 5/13/87 by defendants of supplemental declarations; attachments (2); exhibits (3). (je)

262. RESPONSE by plaintiffs to defendants' motion to alter or amend the judgment; exhibit. (je)

5/15/87

263. NOTICE OF FILING by defendants of second supplemental declaration of Jo Ann Gasper; attachment; exhibits (3). (je)

5/18/87

267. NOTICE OF APPEAL filed 5/15/87 by defendants to the U.S. Supreme Court from order entered 4/20/87. No Fee Paid US government. (je)

5/20/87

268. MEMORANDUM by *Amicus Curiae* U.S. Catholic regarding issue of severability. (je)

5/21/87

270. RESPONSE by plaintiffs to Court's Order of 4/15/87 in opposition to severance and in favor of declaring the Adolescent Family Life Act unconstitutional in its entirety; attachment. (je)

271. MEMORANDUM filed 5/20/87 by defendants addressing the severability of 42 U.S.C. § 300z-5(a)(21)(B). (je)

272. ORDER filed 5/20/87 directing parties to submit concise briefs on certain concerns of the Court within 5 days of this order and replies 10 days thereafter. (N) RICHEY, J. (je)

274. BRIEF by defendants-intervenors regarding severability of religious organizations language under the Adolescent Family Life Act. (je)

5/22/87

276. RESPONSE filed 5/21/87 by federal defendants to Court's 5/20/87 Order. (je)

277. NOTICE OF FILING by defendants of declarations of Jo Ann Gasper and Carol Bervera; attachments (2). (je)

278. MEMORANDUM (post-hearing) by *Amicus Curiae* U.S. Catholic Conference in support of motion for stay. (je)

5/26/87

281. ORDER filed 5/22/87 staying the Court's Order of 4/15/87 only to the extent that it enjoins funding of current AFLA grantees that are religious organizations; directing that this stay shall only be effective to 9/30/87. (N) RICHEY, J. (je)

5/28/87

283. RESPONSE by intervenors-defendants to Court's Order of 5/20/87. (je)

6/1/67

284. RESPONSE filed 5/29/87 by plaintiffs to the Court's 5/20/87 Order; attachment. (je)

6/ 4/87

285. REPLY by defendants addressing the severability of 42 U.S.C. § 300z-5(a)(21)(B); affidavits (4); attachments (6). (je)

6/ 5/87

286. TRANSCRIPT OF PROCEEDINGS on 5/7/87; pages 1 through 57; (Rep. G. H. Horning). (je)

287. REPLY filed 6/3/87 by intervenors-defendants on the issue of severability. (je)

6/15/87

288. NOTICE OF APPEAL by defendants-intervenors United Families of America from order entered 4/20/87. $5.00 filing fee paid. (to Supreme Court). (je)

7/ 6/87

289. MOTION by defendant Bowen for stay pending appeal and to shorten time for and supporting memorandum. (je)

7/ 9/87

291. OPPOSITION by plaintiffs to defendants' motion for stay pending appeal.

8/ 4/87

296. ORDER filed 7/31/87 denying defendants' motion for a stay pending appeal. (N) RICHEY, J. (je)

8/12/87

297 ORDER from Supreme Court of the United States staying case pending timely docketing of an appeal; attachment. (je)

8/13/87

298. NOTICE OF FILING of proposed order; attachment. (je)

8/17/87

299. ORDER filed 8/13/87 severing the term "religious organization" from the AFLA in all places that it appears; denying defendants' Rule 59(e) motion; dismissing case from dockets of the Court. (N) RICHEY, J. (je)

8/20/87

300. NOTICE OF FILING by defendant Bowen of notice of appeal to the Supreme Court of the United States from the final judgment of

U.S.D.C. for the District of Columbia entered 8/17/87; attachment. (je)

8/26/87

301. NOTICE OF FILING by plaintiffs Chan Kendrick, Reverend Robert E. Vaughn, Reverend Lawrence W. Buxton, Dr. Emmett W. Cocke, Jr., Shirley Pedler, Reverend Joyce Armstrong and John Roberts of notice of cross-appeal to the Supreme Court of the United States from the final judgment of U.S.D.C. for the District of Columbia entered 8/17/87; attachment. (je)

9/11/87

302. NOTICE OF APPEAL by defendant-intervenor United Families of America to the Supreme Court from Order entered 8/17/87. (je)

9/17/87

303. TRANSCRIPT OF PROCEEDINGS on 8/11/87; pages 1 through 43; (Rep. G. Horning). (je)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Civil Action No. 83-3175

CHAN KENDRICK
2607 Floyd Avenue
Richmond, Virginia 23221
(804) 355-5127;

REVEREND ROBERT E. VAUGHN
3512 Old Dominion Boulevard
Alexandria, Virginia 22305
(703) 836-2406;

REVEREND LAWRENCE W. BUXTON
Floris Church
2629 Centerville Road
Herndon, Virginia 22071
(703) 437-7602;

DR. EMMETT W. COCKE, JR.
Mt. Vernon United Methodist Church
2006 Belview Boulevard
Alexandria, Virginia 22307
(703) 765-1100;

SHIRLEY PEDLER
687 Second Avenue (No. 7)
Salt Lake City, Utah 84103
(801) 521-9289;

JOYCE ARMSTRONG
6340 Alamo
Clayton, Missouri 63105
(314) 727-1298;

THE AMERICAN JEWISH CONGRESS
15 East 84th Street
New York, New York 10028
(212) 879-4500,

JOHN ROBERTS
321 Huron Avenue
Cambridge, Massachusetts 02138
(617) 354-2654;

and

REVEREND HOMER A. GODDARD
137 Concord Road
Sudbury, Massachusetts 01776
(617) 443-9245 PLAINTIFFS,

v.

MARGARET HECKLER
Secretary of the Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201
(202) 245-7000;

and

MARGORY MECKLENBURG
Deputy Assistant Secretary for Population Affairs
and Director of the Office of Adolescent Pregnancy Programs
Reporters Building, Room 612
300 Seventh Street, S.W.
Washington, D.C. 20201
(202) 472-9093 DEFENDANTS.

AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF (ESTABLISHMENT OF RELIGION)

I.
PRELIMINARY STATEMENT

1. This is an action brought by taxpayers, clergymembers, and a religious and charitable organization for declaratory and injunctive relief against the Adolescent Family Life Act ("The Act"), 42 U.S.C. Sections 300z–300z(10) (1981), and against the Act as applied, which violate the religion clauses of the First Amendment to the Constitution of the United States.

2. The Adolescent Family Life Act, popularly known as the "Chastity Act" (attached hereto as Exhibit A), authorizes the Department of Health and Human Services (DHHS) to make grants for demonstration projects which will "promote self discipline and other prudent approaches to the problem of adolescent premarital sexual relations," 42 U.S.C. § 300z(b)(1). Under the Act, hundreds of thousands of federal tax dollars are being paid directly and indirectly to religious institutions which use the funds to promote government-approved religious doctrines on sex and family life values.

3. The Act promotes and subsidizes religion and authorizes the use of religious indoctrination as a means of opposing premarital sex, abortion, and birth control for teenagers. The Act specifically requires grantees to involve religious organizations in demonstration projects and encourages religious groups to become direct grant recipients. Accordingly, grants have been made to religious organizations in clear violation of the religion clauses of the First Amendment.

4. Furthermore, the Act authorizes grants only to programs or projects which do not counsel on, refer for (with a limited exception), provide, or advocate, promote, or

encourage abortion. 42 U.S.C. § 300z-10(a). Because of these abortion restrictions, the only religious groups which receive funding are those whose religious doctrines on abortion and sexuality coincide with the positions promoted by the Act. Thus, the Act also discriminates among religions, because religious organizations which hold conflicting religious doctrines are in effect, disqualified from receiving funds under the Act.

5. Plaintiffs seek a declaration that the Act is invalid under the First Amendment, and that certain grants made by defendants directly or indirectly to sectarian religious groups which use the funds to promote religious doctrine are invalid. Plaintiffs seek an injunction against such unconstitutional grantmaking.

II.
JURISDICTION

6. This court has jurisdiction pursuant to 28 U.S.C. Section 1331, for causes of action arising under the First Amendment to the Constitution of the United States.

III.
PLAINTIFFS

7. Plaintiff Chan Kendrick is a resident of Richmond, Virginia. He is and sues as a federal taxpayer.

8. Plaintiff Reverend Robert E. Vaughn, a resident of Alexandria, Virginia, is a federal taxpayer and a member of the United Methodist clergy who has devoted his life to the United Methodist community and beliefs. The Adolescent Family Life Act's position on abortion and its promotion of certain religious doctrines involving sexuality, abortion, and the family are contrary to many of the guiding principles of the United Methodist religion, including separation of church and state. Reverend Vaughn's

beliefs and devotion to the United Methodist community and his efforts to communicate his beliefs are being denigrated by the funding and promotion by the government of particular churches and of conflicting religious ideologies. Reverend Vaughn sues as a religious person in his community and as a federal taxpayer.

9. Plaintiff Reverend Lawrence W. Buxton, a resident of Herndon, Virginia, is a federal taxpayer and a member of the United Methodist clergy who has devoted his life to the United Methodist community and beliefs. The Adolescent Family Life Act's position on abortion and its promotion of certain religious doctrines involving sexuality, abortion, and the family are contrary to many of the guiding principles of the United Methodist religion, including separation of church and state. Reverend Buxton's beliefs and devotion to the United Methodist community and his efforts to communicate his beliefs are being denigrated by the funding and promotion by the government of particular churches and of conflicting religious ideologies. Reverend Buxton sues as a religious person in his community and as a federal taxpayer.

10. Plaintiff Dr. Emmett W. Cocke, Jr., a resident of Alexandria, Virginia, is a federal taxpayer and a member of the United Methodist clergy who has devoted his life to the United Methodist community and beliefs. The Adolescent Family Life Act's position on abortion and its promotion of certain religious doctrines involving sexuality, abortion, and the family are contrary to many of the guiding principles of the United Methodist religion, including separation of church and state. Reverend Cocke's beliefs and devotion to the United Methodist community and his efforts to communicate his beliefs are being denigrated by the funding and promotion by the government of particular churches and of conflicting religious ideologies. Reverend Cocke sues as a religious person in his community and as a federal taxpayer.

11. Plaintiff American Jewish Congress, founded in 1918, is a national membership organization of American Jews serving all fifty states, with its national headquarters in New York City, New York. The American Jewish Congress asserts the interests of its membership as individuals, and that of the Jewish community in general, in the separation of church and state, as secured by the Establishment Clause of the First Amendment to the Constitution of the United States. It likewise asserts the religious beliefs of its members. Certain values and positions promoted by the Act are contrary to the Jewish religion, making Jewish organizations ineligible for funding. The religious beliefs of the membership of the American Jewish Congress and the Jewish religion are denigrated and disadvantaged by the government's endorsement of religions with differing doctrines. It sues on its own behalf and on behalf of its members, who are federal taxpayers.

12. Plaintiff Shirley Pedler is a resident of Salt Lake City, Utah. She is and sues as a federal taxpayer.

13. Plaintiff Joyce Armstrong is a resident of St. Louis, Missouri. She is and sues as a federal taxpayer.

14. Plaintiff John Roberts is a resident of Cambridge, Massachusetts. He is and sues as a federal taxpayer.

15. Plaintiff Reverend Homer A. Goddard, a resident of Sudbury, Massachusetts, is a federal taxpayer and a member of the Unitarian Universalist clergy who has devoted his life to the Unitarian Universalist community and beliefs. The Adolescent Family Life Act's position on abortion and its promotion of certain religious doctrines involving sexuality, abortion, and the family are contrary to many of the guiding principles of the Unitarian religion, including separation of church and state. The Unitarian Universalist Association has developed and sponsored a sex education course which, consistent with Unitarian Universalist principles, provides full informa-

tion about abortion and contraception. The Association, also in keeping with its principles of separation of church and state, refuses to accept or solicit government funding for its sex education program. A Unitarian Unversalist Association sex education course is taught at Reverend Goddard's church. Reverend Goddard's beliefs and devotion to the Unitarian Universalist community and his efforts to communicate his beliefs are being denigrated by the funding and promotion of conflicting religious ideologies. Reverend Goddard sues as a religious person in his community and as a federal taxpayer.

IV.
DEFENDANTS

16. Defendant Margaret Heckler is Secretary of the Department of Health and Human Services (DHHS) and, pursuant to 42 U.S.C. Section 300z-2, is authorized to make grants to demonstration projects pursuant to the Act.

17. Defendant Marjory Mecklenburg, Deputy Assistant Secretary for Population Affairs and Director of the Office of Adolescent Pregnancy Programs, administers the Act under the supervision of Defendant Heckler.

V.
FACTUAL ALLEGATIONS

18. The Adolescent Family Life Act constitutes an exercise of the taxing and spending power of Congress under Article 1, Section 8, of the United States Constitution.

19. The Act, signed into law in 1981, repealed and replaced the Adolescent Health Services and Pregnancy Prevention and Care Act of 1978 (Public Law 95-626). The 1981 Act made significant changes and additions to the 1978 Act, including requiring the use of religious organizations to achieve its goals, prohibiting abortion counseling and referrals (with a limited exception), and requiring parental notification and permission for any

minor requesting necessary services, except under certain limited circumstances.

20. The purposes of the Act are to discourage adolescent premarital sexual relations, 42 U.S.C. § 300z(b)(1); encourage teenagers to continue their pregnancies and choose adoption, 42 U.S.C. §§ 300z(a)(6)(A), 300z(b)(2), (regardless of the consequences for the teenager's economic potential, health, and life); and to provide comprehensive care services (excluding abortion-related services) for pregnant teenagers, 42 U.S.C. §§ 300z(b)(3), 300z-1 (a)(7), 300z-1(a)(4).

21. Under the Act, 42 U.S.C. § 300z-2, Defendants are authorized to make grants to eligible grant recipients for demonstration projects which the Secretary determines will help communities provide appropriate "care" and/or "prevention" services. Care services are "necessary services for the provision of care to pregnant adolescents and adolescent parents." 42 U.S.C. §§ 300z-1(a)(7), 300z-1(a)(4). Prevention services are "necessary services to prevent adolescent sexual relations." 42 U.S.C. § 300z-1(a)(8).

22. Grantees who counsel pregnant adolescents encourage childbirth by deliberately omitting abortion from the options presented. Some of the grants made in accordance with the provisions of the Act directly interfere with the ability of a pregnant teenager to make an informed decision about whether to carry her pregnancy to term or to have an abortion by depriving the teenager of information about this option, while providing her with information about other options. Teenagers incur manifold additional risks to their lives and health by continuing their pregnancies as opposed to choosing abortion, yet are precluded by the Act from receiving this information.

23. Under the Act, the Secretary is authorized to make grants directly and indirectly to religious organizations. According to the Act, religious organizations are among those groups best suited to approach the problems of adolescent premarital sexual relations, pregnancy and par-

enthood, 42 U.S.C. §§ 300z(a)(8)(B), 300z(a)(10)(C); and therefore demonstration projects funded under the Act are required to involve religious organizations in the provision of services, 42 U.S.C. §§ 300z-2(a), 300z-5(a)(21)(b). The legislative history authorizes grants to religious organizations:

> . . . provisions for the involvement of religious organizations do not violate the constitutional separation between church and state. Recognizing the limitations of government in dealing with a problem that has complex moral and social dimensions, the committee believes that promoting the involvement of religious organizations in the solution to these problems is neither inappropriate or illegal . . . Religious affiliation is not a criterion for selection as a grantee under the adolescent family life program, but any such grants made by the Secretary would be a simple recognition that nonprofit religious organizations have a role to play in the provisions of services to adolescents. S. Rep. No. 97-161, 97th Congress, 1st Sess. 15, 16 (1981).

The Act contains no provision to insure that the religious organizations will use the funds only for secular purposes.

24. Because of the Act's explicit provision mandating religious involvement in the grant programs, combined with its restriction limiting grants only to those projects or programs which do not advocate, promote, encourage, or refer pregnant teenagers for, abortion, Sections 300z-10(a), the government favors, subsidizes, and advances some religions while rendering others ineligible for funds, comparatively disadvantaging their efforts to promote their religious beliefs.

25. Defendants have made grants which constitute direct aid to parochial schools, as well as direct and indirect grants to religious institutions which use the funding

and the imprimatur of government approval to advance their religious doctrines. These grants include:

A. Catholic Charities of the Diocese of Arlington, Inc.

26. Defendants awarded $75,000 in 1982 and $75,000 in 1983 to Catholic Charities of the Diocese of Arlington, Virginia, for a prevention program entitled "Family Centered Sex Education: A Preventive Program." Catholic Charities is a private, nonprofit corporation organized pursuant to the laws of the Commonwealth of Virginia, designed to carry out welfare activities which are consistent with the Code of Canon Law of the Roman Catholic Church. Catholic Charities' service area covers all of Northern Virginia including Arlington, Alexandria, and Herndon.

27. The Catholic Charities program is given solely in Catholic parochial schools and in Catholic religious education classes using church facilities. The program is designed solely for the benefit of Catholic adolescents. The grant to Catholic Charities directly aids and subsidizes parochial schools in their ongoing teaching of religious doctrine.

28. Upon information and belief, the Catholic Charities program teaches Catholic doctrine and promotes the Catholic religious position on sex and family life. The manuals which the grantee uses explicitly teach Catholic doctrine on sex and family life, including the position that abortion is a sin and immoral. One of the manuals, *Reverence for Life and Family—a Catechesis in Sexuality*, states that "the Life and Family program exists for the sole purpose of sharing the Christian message" and explains that one goal of the catechesis is "training in chastity in accord with the teaching of Christ and the Church."

B. SeMo Association of Public Health Administrators, Inc.

29. In 1982 and 1983, grants of $100,000 (one hundred thousand dollars) were given to SeMo Association of Public Health Administrators, Inc. ("SeMo"), of Bootheel, Missouri, for a project entitled "Bootheel Adolescent Family Life Project." SeMo is a private, nonprofit corporation, organized as an umbrella health services network.

30. Upon information and belief, SeMo is using the federal funds it has received pursuant to the Adolescent Family Life Act to train and encourage clergymembers and religious organizations to promote government-approved religious doctrine on sex and family life values. Its application states:

> One of the most obvious tools which can be used to change the attitude of young people toward sexual activity has been avoided for many years. That tool is the use of the religious foundation as a support for sexuality education. Most major religions see sexuality as being of God and can therefore effectively and in good conscience utilize appropriate educational materials to help young people to learn about their bodies and the values that relate to sexual functioning in a context that is consistent with the tenets of their particular faith.

C. Brigham Young University

31. The Secretary made a grant to Brigham Young University ("BYU") in Provo, Utah, for $177,437 in 1982 and a grant for $185,423 in 1983 for a "prevention" program. BYU is a private, nonprofit university created, controlled, and operated by the the Church of Jesus Christ of Latter-Day Saints (the Mormon church). BYU is a pervasively sectarian religious institution.

32. The BYU prevention program is designed for 9th, 10th, and 11th grade students and their families in public schools in Utah, California, and New Mexico.

33. Upon information and belief, the BYU program is promoting Mormon and other Christian religious doctrine in tax-established and tax-supported public school systems.

D. St. Margaret's Hospital

34. Grants of $446,806 in 1982 and $235,000 in 1983 were given to St. Margaret's Hospital, Dorchester, Massachusetts, for a joint prevention and care services program. St. Margaret's Hospital is a private, nonprofit hospital, the primary focus of which is the care of women and children in accordance with the teachings of the Roman Catholic Church.

35. Upon information and belief, St. Margaret's is using the money to promote Catholic doctrine on sex and family life. It states in its application for funds:

> Teenage extramarital pregnancies poignantly illustrate a great challenge to the family -the separation of reproduction from marriage. If a breakdown in family life is occurring in contemporary times, this may well emanate from a widespread ignorance of the rules, attitudes, and commandments related to both Jewish and Christian home life and to the sexual relationship. Families are familiar with the "ascetic ideal"; they have come to know the "hedonic ideal" inherent in the secularism of today; but they remain sadly ignorant of the ideal of holiness inherent in the basic tenets of Judeo-Christian beliefs.
>
> The Bishops of the United States have designated the 1980's as the *Decade of the Family*. Pope John Paul II has stated, "The pastoral intervention of the church in support of the family is a matter or urgency."

> He has also emphasized, "Every effort should be made to strengthen and develop pastoral care for the family which should be treated as a real matter of priority."

36. Upon information and belief, St. Margaret's uses the grant money to teach courses in parochial schools, to teach religious ministers to promote government-supported religious views on sex and family life, and to reinforce the role of religion as taught at St. Margaret's.

E. Saint Ann's Infant and Maternity Home

37. Defendants awarded $200,000 in 1982 and 235,000 in 1983 to Saint Ann's Infant and Maternity Home in Hyattsville, Maryland, for a care project. Saint Ann's is a nonprofit corporation within the Roman Catholic Archdiocese of Washington, D.C. Saint Ann's subcontracts with the Center for Life of Providence Hospital of Washington, D.C., which conducts the Family Life education component of the Saint Ann's care project.

38. Upon information and belief the Center for Life promotes the Catholic religious position on sex and family life. The Center's "Adolescent Fertility Awareness Program," adapted for use under the Adolescent Family Life Act, includes in its instructional kit a handout for parent participants entitled, "Sexuality: God's Gift," by the Most Reverend Francis T. Mugavero, published by the Archdiocese of Brooklyn, New York. This Pastoral Letter states:

> Sexuality is one of God's greatest gifts to man and woman . . . Theology teaches that relationship—the gift of oneself to another—is at the very heart of God. The Father and Son give themselves totally to one another and the mutuality of their total response in love is the Holy Spirit, binding them together. We honor God and become more like Him when we create

> in our own lives the loving, other-centered relationships which at the same time give us such human satisfaction and personal fulfillment.

The letter also states that:

> We wish to encourage people to go continually beyond themselves in order to achieve greater sexual maturity and urge them to find peace and strength in a full sacramental life with the Christ who loves them.

39. Upon information and belief, Saint Ann's and the Center for Life present distorted and inaccurate information to further their religious positions. While the program offers extensive information on natural family planning, a contraceptive method consistent with Catholic religious doctrine, it offers inaccurate and misleading information about all other methods. Its application states that the program will discuss the "medical hazards of common contraceptive methods" and "the inadvisability of contraceptive use among adolescents" and will "provide information on the safety and efficacy of contraceptive use which will discourage contraceptive usage among adolescent participants."

F. Family of the Americas Foundation, Inc.

40. In 1983, defendants made a grant of $350,000 to Family of the Americas Foundation, Inc., of Covington, Louisiana, for a prevention project entitled "Fertility Appreciation for Families." Family of the Americas Foundation, Inc. (formerly World Organization Ovulation Method—Billings, USA ("WOOMB")) was incorporated as a nonprofit organization in the State of Missouri in 1977. The organization's broad purpose, as stated in the articles of incorporation, is to promote family unity by disseminating accurate information about the Billings Method of natural birth regulation throughout the United States.

41. The Fertility Appreciation for Families program will be administered and presented at five (5) sites, through five (5) organizations. These organizations are: South Texas Family Planning and Health Corporation of Corpus Christi, Texas; St. Joseph Hospital Naturai Family Planning Center of Memphis, Tennessee; Billings Ovulation Method Centers of Lousiana, New Orleans, Louisiana; Family Life Bureau of St. Cloud, Minnesota; and Natural Family Planning Center of St Francis Hospital of Wichita, Inc., Wichita, Kansas.

42. Upon information and belief, these site organizations use the funding to promote religious views on sex, abortion, and family life. For example, the Natural Family Planning Life Bureau of St. Cloud, Minnesota, in the Diocese of St. Cloud, states in its advertisement that, "The appeal for a natural method of child spacing reflects not only a desire to follow the teaching of the Church and *Humanae Vitae*, but also the concerns of couples for some of the following reasons . . ." The advertisement begins by observing that:

> October 1982 marked the tenth anniversary of the Natural Family Planning (NFP) program. The program, which began in order to provide a morally acceptable method of child spacing for the Catholic community, has grown to serve a greater portion of the Christian community within the sixteen-county area served by the Diocese of St. Cloud.
>
> In *Familiaris Consortio*, Pope John Paul II wrote:
>
> "The Church cannot fail to call with renewed vigor on the responsibility of all doctors, experts, marriage counselor, teachers, and married couples who can actually help married people to live their love with respect for the structure and . . . of the conjugal act which expresses that love. This implies a broader, more decisive, and more systematic effort to make the natural methods of regulating fertility known, respected, and applied."

43. Similarly, the Natural Family Planning Center of Wichita's program—the Adolescent Development and Enrichment Program—promotes religious doctrine. A pilot project of this program, which was hosted by the Reverend C.J. Taylor, Pastor, and held at and under the auspices of the Pentecostal Church of God in Christ, elicited this response from an adolescent who participated in the program:

> At first, I really wasn't sure how I'd feel [about this kind of program] because the guys these days degrade *womanity*, but yet sometimes we degrade ourselves. The slides were beautiful and I do consider my body a gift of God.

The first session of the program is entitled, "Sexuality—What Is It? & The Gift of Our Bodies."

G. Search Institute

44. In 1983, Defendants awarded $318,527 to Search Institute of Minneapolis, Minnesota, for a prevention program entitled "Life and Family National Demonstration Project." Search Institute is a private, nonprofit research corporation.

45. Upon information and belief, the Search Institute will use the federal funds to promote religion and religious values on sex and family life. According to its application, "The Life and Family National Demonstration Project will offer an innovative alternative to sex education programs with an emphasis on family, church, and community involvement." The application also states:

> Based upon the cultural values which uphold marriage and family, fidelity and commitment, sexual restraint, ethical and moral norms, the common welfare, and the role of faith in American life, this program presents sexuality in the context of values, respecting the limits appropriate to public education and the rightful role of family and church . . . .

The application also states that, "The Life and Family Project will also build upon the success of the Reverence for Life and Family curriculum for parents and teens developed by the Roman Catholic Church . . . " and that "this model will provide the foundation from which the proposed program is being adapted." This curriculum was co-authored by John E. Forliti, D. Min., Director of Search Institute, and is an explicitly religious program. According to the application, the Search Institute "has embarked on the publishing and production of an Interdenominational edition . . ."

46. Upon information and belief, the program promotes religion and religious values through its "value-based" sex education program. The "value-based" program seeks,

> . . . in addition to knowledge transmission, to impart to youth a value system to restrain or decrease sexual activity. Unlike *knowledge-based* programs, *valued-based* programs represent an "up front" point of view, weaving together some combination of ethics, cultural norms and mores, theology, and cost benefit analysis to justify self-restraint.

47. Plaintiff clergymembers and religious organization are directly injured by this support of religion and of particular religious doctrines. The government's official support of certain doctrines diminishes Plaintiff clergymembers' positions in the community, encumbers their professional calling in life, places the imprimatur of the government behind competing religions, and disadvantages their ability to communicate their religious message and practice their religions.

48. Plaintiff taxpayers suffer injury as a result of the unconstitutional use of Federal tax dollars to support and promote religion.

FIRST CAUSE OF ACTION

49. The Adolescent Family Life Act violates the religion clauses of the First Amendment to the Constitution.

SECOND CAUSE OF ACTION

50. The Act as applied, including grants to Catholic Charities of Arlington, Virginia, SeMo of Bootheel, Missouri, St. Margaret's of Dorchester, Massachusetts, Brigham Young University of Provo, Utah, Saint Ann's Infant and Maternity Home of Hyattsville, Maryland, Family of the Americas, Inc., of Covington, Louisiana, and Search Institute, of Minneapolis, Minnesota, is in violation of the religion clauses of the First Amendment to the Constitution.

PRAYER FOR RELIEF

WHEREFORE Plaintiffs respectfully pray that this Court:

1. Enter an order declaring that the Act, and the Act as applied, are unconstitutional, null, void and unenforceable;

2. Enter an order declaring that the grants to; (a) Catholic Charities of the Diocese of Arlington, Inc., (b) SeMo Association of Public Health Administrators, Inc., (c) Brigham Young University, (d) St. Margaret's of Dorchester, Massachusetts, (e) Saint Ann's Infant and Maternity Home of Hyattsville, Maryland, (f) Family of the Americas, Inc., Covington, Louisiana, and (g) Search Institute, of Minneapolis, Minnesota, are unconstitutional, null, void and unenforceable; and enjoin any future money and apportionment of funds from being given to these projects as now constituted;

3. Permanently enjoin defendants and their agents, representatives, successors, and those acting in concert with them, from awarding grants, denying grants, or disbursing funds in violation of the establishment clause of the First Amendment.

4. Award plaintiffs costs and reasonable attorney's fees; and

5. Grant such other relief as it may deem just and proper.

Respectfully submitted,

/s/ _____

BRUCE J. ENNIS
Ennis, Friedman, Bersoff, and Ewing
1200 Seventeenth Street, N.W.
Washington, D.C. 20036
(202) 775-8100

/s/ _____

JANET BENSHOOF
SUZANNE LYNN
NAN D. HUNTER
RANDEE PAVALOW
American Civil Liberties Union Foundation*
132 West 43rd Street
New York, New York, 10036
(212) 944-9800

ART SPITZER
ACLU of the National Capitol Area
Suite 301
600 Pennsylvania Ave. S.E.
Washington, D.C. 20036
(202) 544-1076[1]

*LYNN M. PALTROW, Law Graduate, on the Complaint.
American Civil Liberties Union Foundation

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Civil Action No. 83-3175

CHAN KENDRICK, ET AL., PLAINTIFFS,

v.

MARGARET HECKLER, SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, ET AL., DEFENDANTS.

ANSWER TO AMENDED COMPLAINT

Defendants Margaret M. Heckler, Secretary of the United States Department of Health and Human Services ("HHS"), and Marjory Mecklenburg, Deputy Assistant Secretary for Population Affairs and Director of the Office of Adolescent Pregnancy Programs, HHS,[1] by their undersigned counsel, answer plaintiffs' December 23, 1983 amended complaint as follows:

FIRST DEFENSE

The amended complaint fails to state claims against defendants upon which relief may be granted.

SECOND DEFENSE

The Court lacks jurisdiction over this action.

THIRD DEFENSE

Plaintiffs lack standing to maintain this action.

[1] On January 4, 1984, this Court ruled that the action be maintained against only the head of the agency, defendant Heckler. As no order yet has been entered, both defendants remain listed herein for purpose of formality.

FOURTH DEFENSE

The amended complaint must be dismissed for plaintiffs' failure to join indispensable parties—the recipients of the HHS grants challenged as unlawful in this litigation.

FIFTH DEFENSE

Answering the specific numbered paragraphs of plaintiffs' amended complaint, defendants state:

1. Paragraph one of the amended complaint constitutes plaintiffs' characterization of this action, to which no response is required; if a response is required, said allegations are denied.

2. The first sentence of paragraph two of the amended complaint describes the provisions of the Adolescent Family Life Act ("the Act"), the provisions of which statute speak for themselves. Defendants deny the allegations of the second sentence of said paragraph.

3. Defendants deny the allegations of the first and third sentences of paragraph three of the amended complaint. The second sentence of said paragraph describes the provisions of the Act, the provisions of which speak for themselves.

4. The first sentence of paragraph four of the amended complaint describes the Act, the provisions of which speak for themselves. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of the second sentence of this paragraph. Defendants deny the allegations of the third sentence of said paragraph.

5. Paragraph five of the amended complaint constitutes plaintiffs' characterization of this action, to which no response is required; if a response is required, said allegations are denied.

6. Defendants deny the allegations of paragraph six of the amended complaint.

7. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph seven of the amended complaint.

8. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of the first sentence of paragraph eight of the amended complaint. Defendants deny the allegations of the second and third sentences of said paragraph. The fourth sentence of said paragraph constitutes plaintiffs' characterization of this action, to which no response is required; if a response is required, said allegations are denied.

9. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of the first sentence of paragraph nine of the amended complaint. Defendants deny the allegations of the second and third sentences of said paragraph. The fourth sentence of said paragraph constitutes plaintiffs' characterization of this action, to which no response is required; if a response is required, said allegations are denied.

10. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of the first sentence of paragraph ten of the amended complaint. Defendants deny the allegations of the second and third sentences of said paragraph. The fourth sentence of said paragraph constitutes plaintiffs' characterization of this action, to which no response is required; if a response is required, said allegations are denied.

11. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of the first three sentences of paragraph 11 of the amended complaint. Defendants deny the allegations of the fourth and fifth sentences of said paragraph. The last sentence of said paragraph constitutes plaintiffs' characterization of this action, to which no response is required; if a response is required, said allegations are denied.

12. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of the first and second sentences of paragraph 12 of the amended complaint. The second sentence of said paragraph also constitutes plaintiffs' characterization of this action, to which no response is required; if a response is required, said allegations are denied.

13. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of the first and second sentences of paragraph 13 of the amended complaint. The second sentence of said paragraph also constitutes plaintiffs' characterization of this action, to which no response is required; if a response is required, said allegations are denied.

14. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of the first and second sentences of paragraph 14 of the amended complaint. The second sentence of said paragraph also constitutes plaintiffs' characterization of this action, to which no response is required; if a response is required, said allegations are denied.

15. Defendants are without sufficient knowledge or information to form a belief as to the truth of falsity of the allegations of the first, third, fourth, and fifth sentences of paragraph 15 of the amended complaint. Defendants deny the allegations of the second and sixth sentences of said paragraph. The final sentence of said paragraph constitutes plaintiffs' characterization of this action, to which no response is required; if a response is required, said allegations are denied.

16. Defendants admit the allegations of paragraph 16 of the amended complaint.

17. Defendants admit the allegations of paragraph 17 of the amended complaint, noting, however, that this Court has ruled that the named defendant be dismissed as a party defendant hereto.

18. Paragraph 18 of the amended complaint constitutes plaintiffs' characterization of the Act, the provisions of which speak for themselves.

19. Paragraph 19 of the amended complaint constitutes plaintiffs' characterization of the Act, the provisions of which speak for themselves.

20. Paragraph 20 of the amended complaint constitutes plaintiffs' characterization of the Act, the provisions of which speak for themselves.

21. Paragraph 21 of the amended complaint constitutes plaintiffs' characterization of the Act, the provisions of which speak for themselves.

22. Defendants deny the allegations of paragraph 22 of the amended complaint.

23. Paragraph 23 of the amended complaint constitutes plaintiffs' characterization of the Act, the provisions of which speak for themselves.

24. Defendants deny the allegations of paragraph 24 of the amended complaint.

25. Defendants deny the allegations of paragraph 25 of the amended complaint.

26. Defendants admit the first sentence of paragraph 26 of the amended complaint. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the remaining allegations of paragraph 26.

27. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of the first two sentences of paragraph 27 of the amended complaint. Defendants deny the remaining allegations of said paragraph.

28. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 28 of the amended complaint. Based upon information available to HHS through grant applications and materials and site reports, HHS has no basis to accept the truth of the cited allegations.

29. Defendants admit the allegations of paragraph 29 of the amended complaint.

30. Defendants deny the allegations of paragraph 30 of the amended complaint, except to admit that one part of the SeMo application cited in the second sentence of said paragraph refers to a clergy training aspect of the grant and that the provisions of its application speak for themselves. Based upon information available to HHS through grant applications and materials and site reports, HHS has no basis to accept the truth of the cited allegations.

31. Defendants admit the allegations of the first sentence of paragraph 31 of the amended complaint. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the remaining allegations of said paragraph.

32. Defendants admit the allegations of paragraph 32 of the amended complaint, but note that Idaho has been substituted for California by the grantee.

33. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 33 of the amended complaint. Based upon information available to HHS through grant applications and materials and site reports, HHS has no basis to accept the truth of the cited allegations.

34. Defendants admit the allegations of the first sentence of paragraph 34 of the amended complaint. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of the second sentence of said paragraph.

35. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of the first sentence of paragraph 35 of the amended complaint. Based upon the information available to HHS through grant applications and materials and site reports, HHS has no basis to accept the truth of the cited allegations. The second sentence of said paragraph quotes a provision of the grant application of St. Margaret's Hospital, the provisions of which speak for themselves.

36. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of the first sentence of paragraph 36 of the amended complaint. Based upon the information available to HHS through grant applications and materials and site reports, HHS has no basis to accept the truth of the cited allegations.

37. Defendants admit the allegations of paragraph 37 of the amended complaint.

38. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 38 of the amended complaint.

39. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 39 of the amended complaint. Based upon the information available to HHS through grant applications and materials and site reports, HHS has no basis to accept the truth of the cited allegations. Defendants further state that the provisions of the St. Ann's application cited in the final sentence of said paragraph speak for themselves.

40. Defendants admit the allegations of the first two sentences of paragraph 40 of the amended complaint. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of the third sentence of said paragraph.

41. Defendants deny the allegations of the first and second sentences of paragraph 41 of the amended complaint, except to admit that this grant project proposes to be presented at three sites through three organizations, the South Texas Family Planning and Health Corporation of Corpus Christi, Texas, the Family Life Bureau of St. Cloud, Minnesota, and the Natural Family Planning Center of St Francis Hospital of Wichita, Inc., Wichita, Kansas.

42. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 42 of the amended complaint. Based upon the information available to HHS through the grant application and materials of this new grantee, HHS has no basis to accept the truth of the cited allegations. The advertisement of the St. Cloud group, not shown to be related to the grant at issue, speaks for itself.

43. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 43 of the amended complaint.

44. Defendants admit the allegations of paragraph 44 of the amended complaint.

45. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of the first sentence of paragraph 45 of the amended complaint. Based upon the information available to HHS through the grant application and materials of this new grantee, HHS has no basis to accept the truth of the cited allegations. The provisions of the Search Institute application cited in the paragraph speak for themselves. Defendants are without sufficient knowledge or information to form a belief as to the truth of falsity of the allegation of the fifth sentence of the paragraph that the Reverence for Life and Family curriculum of co-authored by John E. Forliti is "an explicitly religious program."

46. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 46 of the amended complaint. Based upon the information available to HHS through the grant application and materials of this new grantee, HHS has no basis to accept the truth of the cited allegations. The apparent excerpt from the Search Institute application cited by plaintiffs makes no reference to the promotion of religion and religious values and speaks for itself.

47. Defendants deny the allegations of paragraph 47 of the amended complaint.

48. Defendants deny the allegations of paragraph 48 of the amended complaint.

49. Defendants deny the allegations of paragraph 49 of the amended complaint.

50. Defendants deny the allegations of paragraph 50 of the amended complaint.

The remainder of plaintiffs' amended complaint contains their prayer for relief, to which no response is required, but to the extent that a response is required, said allegations are denied.

All allegations not expressly admitted or modified are hereby denied.

WHEREFORE, plaintiffs' amended complaint should be dismissed with prejudice.

Respectfully submitted,

RICHARD K. WILLARD
Acting Assistant Attorney General

JOSEPH E. diGENOVA
United States Attorney

/s/ BROOK HEDGE
Brook Hedge

/s/ LEWIS K. WISE
Lewis K. Wise

/s/ THEODORE C. HIRT
Theodore C. Hirt

Attorneys, Department of Justice
Civil Division, Room 3533
9th & Pennsylvania Avenue, NW
Washington, D.C. 20530
Telephone: (202) 633-4785

Attorneys for Defendants.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Answer To Amended Complaint were mailed, by express mail, this 12th day of January, 1984, to:

JANET BENSHOOF
SUZANNE LYNN
NAN D. HUNTER
RANDEE PAVALOW
American Civil Liberties Union
Foundation
132 West 43rd Street
New York, New York 10036

and by first class mail, to:

BRUCE J. ENNIS
Ennis, Friedman, Bersoff,
& Ewing
1200 Seventeenth Street, NW
Washington, D.C. 20036

/s/ THEODORE C. HIRT
Theodore C. Hirt

Deposition Excerpts of
Reverend Robert E. Vaughn,
Methodist Minister of Beverly Hills Church

[Direct Examination by Mr. Millet:]

[65] Q Can you tell me how you felt as though your beliefs were denigrated on that first occasion?

A I felt certainly the full weight of Government going behind a particular program which is carried out by denominations whose views on sexuality differs from mine was a strong sense of denigration of my own, that the full weight of Government moving behind it and trying to espouse a particular view of sexuality, of which there are some shared elements, but also a number of different elements, so I felt my particular belief was denigrated by the giving of Federal moneys to a faith that I don't share.

Q Did the denigration of your belief as alleged [66] in that paragraph ever manifest itself in any way other than your own perceptions and your own feelings?

A In the sense that I was trying to be more articulate in conversations with others about the nature of our view of sexuality and distinction with other views, there was one manifestation of that, a greater awareness that in conversations about sexuality with persons who share very authoritarian view of how they view decisionmaking, that there needs to be careful articulation of religious perspective on sexual issues, being that one religious group has a backing of the Federal Government. And in that sense that greater articulation, that sense which was embodied in some conversations, some counseling sessions, certainly would have been – some educational work is probably the best examples.

Q Are those the same conversations, counseling sessions and educational work that we discussed previously today?

A Yes.

Q Has anyone ever criticized your religious beliefs because they were not reflected in the Adolescent Family Life Act or any program underneath that Act?

A Yes.

* * * * *

[70] Q Are the statements contained in that paragraph answering Interrogatory No. 8 true and correct statements concerning yourself?

A Yes.

Q Referring you to page 8, the last paragraph of that answer, the first line of that paragraph refers to your suffering spiritual injury. Could you please define for me how you suffered spiritual injury as the result of the action of the defendant in this case?

A Sure.

Your question could probably best be understood by recovering a – recovering a sense of unanimity that is present within the Hebrew mind that split off during the Greek era of the New Testament to put people in different spheres of life, let us say the economic sphere of life or political sphere or religious sphere, a sense of the united, of everything being one is the best way of understand[71]ing that, that spiritual injury is essentially referring to injury that occurs to all of one's self. Answering how that has been suffered is really in the same sense that we have spoke of before in defining spiritual injury is that which embodies injury to the totality of one's work, in doing one's work rather than trying to see that as being support of a spiritual thing separate from the day to day work.

Deposition Excerpts of
Reverend Lawrence W. Buxton,
Minister of Floris Methodist Church

[Direct Examination by Mr. Millet:]

[32] Q Mr. Buxton, I am going to show you what has been marked as Exhibit 2. Can you examine that please and tell me if you recognize that as copy of the amended complaint filed in this action?

A Yes, that is my understanding of what it is.

Q Would you look to page 5, paragraph numbered 9 and tell me are you the individual referred to in that paragraph?

A Yes.

Q Are the allegations contained in that paragraph true to the best of your knowledge?

A Yes.

Q Directing your attention to the second to the last sentence in that paragraph, can you tell me how your [33] beliefs have been denigrated by any action of the defendant in this case?

A I think both my beliefs, my devotion to the community and my efforts to communicate those beliefs have been made much more difficult, both in the ways that I am saying and by the sense that –

Q Let us go to your beliefs first and then we will talk about the other areas as well.

Can you tell me how you beliefs have been denigrated?

A Yes, it think what has happened is that in some sense the Government has become my competitor and that when my beliefs are in the marketplace along with what the Government gives its official approval, stamp of approval on, that my beliefs suffer by comparison, that they are not officially approved beliefs, that I don't have the money that the other grant recipients do to express these and to put these out there.

So by comparison my beliefs are minimized in importance.

As I understand the word "denigrated" to talk about, be besmirched or more difficult if somehow rendered not as important. I find that I have got big opponents [34] saying something contrary to what I believe.

Q Is it part of your ministry to convert individuals to the United Methodist faith?

A It is part of my ministry to convert individuals to Jesus Christ. If they happen to be Methodist, then that is one thing. If they happen to be Presbyterian, then that is something else.

* * * * *

[42] Q Mr. Buxton, would you look at what has been marked as Exhibit 3 and tell me if you can identify that as copies of the answers to defendant's interrogatories that were filed in this case?

A The first set, yes, that is what I see.

Q Would you turn to page 9, paragraph 12 and tell me, are you the individual to whom those answers refer?

A Yes.

Q Are those answers true and correct to the best of your knowledge?

A Yes.

Q Referring you to the last paragraph of that answer, can you tell me please how you have suffered spiritual injury in this case?

A I think primarily as a United Methodist minister one thing that has been very definitely injured is the spirit of cooperation among denominations all of the same church. And I think there has entered into this now a spirit of divisiveness, I think competition is perhaps the [43] best word, that I think this Act fosters and encourages. I don't know if it deals with the type of thing that you are asking, that some of the comments or the phone calls or the hate

mail that has come to me in some way constitutes spiritual injury to me and to my leadership in the church.

Q What type of phone calls?

A I have gotten phone calls from some people who have not identifed themselves and then consequently anonymous hate mail using baby-killers and this kind of terminology.

Q When did these phone calls or hate mail begin?

A Shortly after I would say the suit was filed, late fall of last year when newspapers would pick up – the case had been filed and that my name was used.

Q Did you ever get such letters or phone calls prior to the filing of the suit?

A No. No. I would say those two areas, one is more personal and one is more mine, representative of my denomination, injured in the spirit of cooperation.

Q Can you give me some examples of how there has been less cooperation since the passage of the Adolescent Family Life Act?

[44] A I wouldn't say there has been less cooperation but the spirit, it is not the phrase that I would choose. But the spirit by definition is something that is not completely tangible, so it is hard for me to give you concrete, tangible things other than I sense there is more suspicion or paranoia or distrust and perhaps there were events or occasions that might have taken place ecumenically that have not, because of this spirit of distrust. That is hard to be concrete about, I know, but that is my perception of what has happened.

Deposition Excerpts of
Rabbi Jack A. Luxenburg,
Member and representative for
the American Jewish Congress

[Direct Examination by Mr. Millet:]

[33] Can you tell me how the American Jewish Congress and the Jewish religion have been denigrated or disadvantaged in this case

A Yes, I think I can. I think I can with firsthand experience. Since coming to Rockville three years ago, I had been invited, at least three times, which I clearly recollect, I think there may have been a fourth, to address teachers of the Montgomery County Public School System, specifically those teachers who are chartered with presenting the curriculum on family life and human development. I have been asked to speak to them in terms of Jewish teachings on matters of sexuality, etc.

As you might well imagine how many of the matters about which we are speaking this afternoon are topics for exploration. I have found that when presenting the point of view which I think is espoused, which I think is rabbinically responsible, Jewish authentic, and to the greater degree, is not completely incongruent with the position of the Act, I have found that there are those who differ with me among the teachers, who I would say unfriendly, unsympathetic, in a couple of cases even tacky.

I respected their opinion and the intensity [34] with which they hold it.

Nonetheless, I think that this raises a difficult problem.

Firstly, these teachers are in classrooms with children of mixed religious traditions, maybe of no religious tradition. They feel already disinclined towards at least one significant religious tradition, possibly represented in their classroom. I think that it would be a further denigration of Jewish religious teaching and tradition should these same

unsympathetic persons be in a position to point out what is tantamount to Government approval of a position in which they themselves may likely espouse, in contrast to that which Jews or any other persons in their classrooms may espouse.

I would find that that situation would open up persons who hold differing points of view from that which has been granted Government approval. I think such a situation would hold such people up to denigration, I think it would make it difficult for them to put forward in the public school classroom their differing points of view in instructional situations—assuming such a teacher was charged by virtue of responsibly formulating a program to invite clergy with differing points of view in, I could [35] not help but wonder what kind of reception, say a person I would receive in such a classroom.

Q Were these teachers that you addressed in Montgomery County participants in any program on the Adolescent Family Life Act?

A Not to my knowledge.

Q Was you address to them part of any program under the Adolescent Family Life Act?

A I don't know whether the program was—whether or not the program of Family Life education in Montgomery County schools is funded through the county exclusively or has received supplementary funds through this Act, that I do not know.

Q Can you give me any other examples of how you believe the religious belief of the American Jewish Congress or the Jewish religion have been denigrated by the actions of the defendant in this case?

A I believe that by holding up a very specific set of values and principles so closely aligned with those of particular and identifiable religious communities here in these United States, subjects the American Jewish Congress to denigration when they speak out to express their differing

point of view, seeing as how that point of [36] view stands in distinction to the values articulated by the Act and implicitly condoned by the Act and in given Government sanction.

I am only saying so that the Congress then, I think, becomes a target for those who would villify and attack persons who hold contrary points of view.

Q Do you know of any instance where the American Jewish Congress or you in particular have been attacked or villified, as you put it, or criticized in any way for your religious beliefs because they were not contained in the Adolescent Family Life Act?

A Not because they were not contained but certainly because they differed from. But I am sure—I am not sure that we could attribute those instances to the Act. However, we certainly could attribute them to the fact that I hold opinions contrary to those established as acceptable by the Act.

Q Did those kinds of attacks or villifications or criticisms occur prior to the passage of the Adolescent Family Life Act in your experience?

A Some prior to tne passage of the Act. I have had similar experiences since the Act has been in effect.

* * * * *

[49] Q Referring you again to Exhibit No. 3, Answer No. 18, the second paragraph, the second sentence refers to the term spiritual injury. Could you please define that to me as it relates to the American Jewish Congress in that answer?

A Yes. I think that spiritual injury here might well be understood as that erosion of religious certainty and security and the tea/ hings of one's traditions when they are made to be perceived to be as contrary and in conflict with that which has been given the stamp of social approval.

Q Are you aware of any instance where anyone has expressed uncertainty to you or to anyone associated with the American Jewish Congress about the religious traditions of the Jewish faith as a result of the Adolescent Family Life Act?

A Again, not with specific reference to the Act but with reference to legislative thrust which the Act represents.

—,

Deposition Excerpts of
Homer A. Goddard,
Unitarian Universalist Minister of
the First Parish of Sudbury

[Direct Examination by Mr. Millet:]

[48] Q Reverend, in the third paragraph of that answer there is a reference to spiritual injury. Could you please define for me what you meant by the use of the term spiritual injury, in answer to that interrogatory?

A What I mean by spiritual injury is that the Federal Government is in a major way teaching views contrary to both mine and my denomination, and I think I have to say that I think that they are injurious to people that are being denied certain information. That is clearly a spiritual injury.

Q That is a spiritual injury to you?

A Yes, it is.

[49] Q That other people have been denied information?

A When people are being hurt, yes.

Q Any time another individual is injured, that is a spiritual injury to you?

A That is correct.

Q Can you tell me how you have been adversely affected in your daily life, as stated in the second sentence of that same paragraph on Exhibit 5?

A Because I have a very clear view of my role as a spiritual leader in my church, and in my community, and we are now faced with very real competition, as it says in that sentence, to what we believe in our teaching, and it is being funded and supported by the Federal Government.

Q What do you mean by competition?

A I think that is a very apt word today, because the marketplace of religious ideology is very free and open,

and when the government becomes a participant in that competition, then it is very unfair.

Q So when you refer to competition, do you mean competition between different religious doctrines, or followers?

A That is correct. Not necessarily for followers, but the way they operate as human beings. I don't care who follows what. It is the way one behaves as a human being [50] in society, and that reflects upon oneself, and the people with whom one comes in contact with, and I think this is injurious to a large number of people.

Q And because it is injurious to them, you believe it is also injurious to yourself?

A I think inevitably it will be. It is just when it is going on, and when it is just a few miles away, it is clearly there.

Deposition Excerpts of
Dr. Emmet W. Cocke, Jr.,
Minister of the Mount Vernon
United Methodist Church

[Direct Examination by Mr. Millet:]

[42] Q Directing your attention again to paragraph 10 on pages 5 and 6, if you would, please. Particularly right now to the portion of it reproduced on page 6.

In the sentence which reads that your "beliefs and devotion to the United Methodist community and your efforts to communicate your beliefs are being denigrated by the funding and promotion," et cetera.

Can you tell me, please, how your efforts to communicate your religious beliefs have been denigrated by any action of the defendant in this case?

A When a religious organization enjoys the official endorsement of the government, as in the case of the Adolescent Family Life Act practice, the Catholic Church in my community or the religious groups nationally enjoy favortism, there is the violation of separation of the church and state.

[43] Q Has any action—

A Well, let me go ahead.

Q Go ahead. I don't mean to cut you off.

A Religious organizations can compete with ideas, but when one religious organization enjoys government support and endorsement, then freedom is violated because of that endorsement. And in this case, I experienced the fact that United Methodists do not have the official sanction of government or the force of civil religion which government sponsored religion could be called.

Also I believe that this Act is just one of many possible violations of the separation of church and state, with special interest groups insistent upon laws of private and public schools or other kinds of government sponsored

religion, this Act b .es very important as an indication of the need for new vigilance for the separation of church and state and freedom for religion. And because I am committed to that separation and that freedom, I very much feel as a victim of what the Act does.

* * * * *

[52] Q Would you turn to pages 11 and 12 of this document and Interrogatory 16, and particularly the answer to No. 16.

Would you review that answer and tell me if it is accurate?

(Pause)

A I have reviewed it and it is accurate.

Q Can you tell me what you mean by the term or what is meant by the term "spiritual injury" contained in the third paragraph of that answer on page 12?

A Spiritual injuries are hard to measure, but when the government endorses one religious group, and in my case where the Arlington Diocese has been endorsed and my denomination has not been endorsed, the perceptions of a society are subtly influenced in such a way that my force and conviction is as one not too favored, is lessened.

Q Is that your understanding of the term "spiritual injury"?

A Yes. It is an attack upon the truth, the truth for free expression of religion and free expression of ideas in a [53] society where freedom of—freedom is supposed to be practiced in speech and religion and the press and all ways.

I further believe that when other religious groups whose ideas are not as of the United Methodist strength have the added strength of the government that United Methodism is placed unnecessarily on the defensive in the pursuit of truth.

Q Referring to the second sentence in that paragraph, Doctor, the sentence that reads "This adversely effects you

in your daily life," apart from those matters that we have already discussed this morning, can you give me any examples of any way that you have been adversely affected in your daily life?

A I believe my previous answers have indicated that I feel the weight of having to defend religious freedom, and this Act hangs over us as a part of the attack on religious freedom, separation of church and state, which I—which from day to day I feel is a burden, but I am called to give out.

Deposition Excerpts of Marjory Mecklenburg,
Deputy Assistant Secretary for
Population Affairs; Director,
Office of Adolescent Pregnancy Programs

[Direct Examination by Ms. Hunter:]

[31] Q Um-hum. Did you review for yourself any of the reader's comments on Catholic Charities of Arlington?

A Again, I could not recall if I did. There may have been some situations in which I did and some of which I didn't. And I could not tell you which ones, I really cannot.

Q Did you review any of the reader's comments for any of the applications from organizations that had religious affiliations, for example, Catholic Charities or other Catholic organizations?

A Once again, I wasn't—I do not recall which applications or which reader's comments I may have looked at in 1982. I had a lot of information from a lot of sources. And there were over 400 applicants, as I can recall.

Q Um-hum. Did you do anything other than rely on Mr. Sheeran's phone calls to the applicants a few days before the funding decisions in 1982 in order to ascertain the degree of possible religious involvement of the applicants about which he had raised some concern?

A Prior to the grant award?

Q No question.

A No, not that I can recall.

Q With regard to the St. Margaret's application from [32] Massachusetts, were you aware at the time you made the funding decision to fund St. Margaret's that a number of the programs to be presented with the Title 20 funds were going to be presented in parochial schools?

A Once again, I don't recall reviewing the grant application of St. Margaret's. So that level of detail either the

readers or the staff might have been aware of, but I don't recall a personal review.

Q Do you recall taking any steps to investigate the religious setting of, or the religious materials associated with the St. Margaret's application?

MR. HIRT: That's a compound question. But I will let her answer since I don't want to engage in endless colloquy.

THE WITNESS: Once again—Well, let me see. Did I take any steps prior? I did not, since I did not review the materials personally. I don't recall personally taking any steps regarding St. Margaret's. St. Margaret's had been a Title 6 grantee. I don't remember whether the staff suspected any particular problem or felt they needed any clarification. I assume they would have alerted me or carried out the appropriate activities, if someone called. That would have been their responsibility in presenting the information to me to make a decision.

* * * * *

[48] Q Can you tell me which grantees Mr. Sheeran called?

A I would not have any way of knowing or recalling for certain all of them. I certainly do remember Catholic Charities of Arlington, and I do remember Wayne County Social Services, I remember those. I do not recall if he did call others or not.

Q Did you seek any—Did you discuss this issue prior to the 1982 funding decisions with Mr. Brandt or anyone who was in a supervisory position to you or higher in the chain of command in the agency than you are?

A What, the religious issue?

Q Yes.

A I don't recall. So I don't believe that anyone would be surprised to see a Catholic charity on a list of organizations providing services to pregnant women. They were

doing that for years. And so I don't recall. And I don't see why anyone would have been unduly alarmed.

Q With regard to the issue, again, or religious involvement of the applicants in 1982, did you seek any guidance or any clarification on that issue from anyone other than what you have already described in your testimony [49] prior to making the funding decisions?

A I cannot, I cannot recall. Religion was not an overriding concern or preoccupation with me at the time.

Q In the 1983 funding decisions that you made pursuant to Title 20, did you take any steps at that time to ascertain religious involvement of any of the applicants?

A I'm sure that if something came to our attention that was, you know, was flagged by the review process, that that may have occurred. But I don't recall any specific activities in that regard.

* * * * *

[59] Q With regard to the St. Ann's Infant and Maternity Home in the 1982 application, I'm going to read to you from the comments of the external reader and ask you if upon hearing those comments you recall having read them or having had any discussions with anyone concerning these comments or any similar comments.

The comment states in part "definite bias toward all contraception methods except natural family planning as one would expect." Do you recall having read that comment or any similar kind of comment regarding the St. Ann's Infant and Maternity Home?

MR. HIRT: I think counsel should see the document.

THE WITNESS: There's a bias toward? I want to see it.

(The witness viewed the specified document.)

THE WITNESS: Down here. "Bias toward all contraception methods except natural family planning."

No. I'm not even sure what it means upon seeing it [60] right now. But "a bias toward all contraception methods

except natural family planning as one would expect," no, I certainly was not aware of that particular comment.

BY MS. HUNTER:

Q All right. If you had reviewed that comment or seen that comment would you have have taken any steps to investigate further any possible religious involvement on the part of that applicant?

A As I said, I'm not sure yet what it means. "A bias toward all contraceptive methods except natural family planning." I don't understand what would be religious if someone had a bias toward all contraceptive methods except natural family planning. I don't regard that as necessarily a religious statement. So I don't recall that I would have done anything about it if I had seen it.

Q Um-hum. I believe the final phrase of that sentence was "as one would expect." Do you think the phrase "as one would expect," in conjunction with the application from the St. Ann's Infant and Maternity Center would lead you to take any steps to investigate any possible religious activities?

A I don't necessarily view one's attitudes about various contraceptives as necessarily a religious kind of bias. And "as one would expect," is very peculiar in this [61] regard. Because the statement "a definite bias toward all contraceptive methods except natural family planning as one would expect," I don't construe as having any religious overtones at all.

Q Um-hum. So your answer is, no, you would not have taken any further action; is that correct?

MR. HIRT: I think she has answered the question.

THE WITNESS: Yes, that's true.

BY MS. HUNTER:

Q OK. In regard to the readers comments on the Southeast Missouri Association of Public Health Administrators in Missouri, do you recall anything in any of

the reader's comments or in the grant application which indicated that instructors from area churches will be trained to lead parent/child group seminars?

A That, again, would be a level of detail that I would not have, don't recall seeing.

Q And had you seen a comment or something in the application itself to that effect, would you have taken any steps to further investigate any possible religious involvement on the part of that applicant?

A Excuse me. Could I look at the document before I answer that question. I need to see the phrase in this [62] document.

Q You can see it in this document, but I'm not limiting it to this document.

A But you said something like that.

Q Something like the phrase I read, not the document.

A I want to see the phrase so I can answer the question.

MR. HIRT: You read from the document. Maybe if you show her the document.

MS. HUNTER: You can see the document or we can have the question read back. But I want you to understand I'm not asking you about the document. I'm asking you about the specific phrase either in that document or in any other document. Do you understand that question?

THE WITNESS: Yes, I understand what you're saying.

It was "Parents and children will attend seminars together in a church setting pre and postnatal." Excuse me.

MS. HUNTER: I think it would be helpful if we had the question read back so you can focus on the question.

THE WITNESS: OK. All right.

(Record read.)

THE WITNESS: Most likely in that situation at that time, no. The legislation calls for the involvement of

churches as one of the community organizations to be involved. There [63] would be no reason for me to suspect that people who belong to a church could not carry out the intent that the program called for in Title 20 whether they were holding this in a church setting or not a church setting. So I don't think I would have done anything specific, you know, in that regard at that time.

* * * * *

[67] Q Um-hum. Other than speculating as to what you may have done, do your recall specifically any steps you took with regard to seeking staff input as to the nature of the religious materials?

A Prior to the funding?

Q Prior to the making the fundiong decisions; that's right.

A No. But again, I assume that it was discussed. Whether I initiated it or somebody else did, you know, I'm not clear. But if we were discussing Catholic Charities, if we were discussing Search which was an applicant both years and scored high in both years, as is my recollection, it's quite possible that the topic came up, you know. I think it's possible.

Q It's possible they did and it's possible they didn't is that correct?

A Yes.

MR. HIRT: You're asking her to speculate, so she obviously is.

MS. HUNTER: That's right.

MR. HIRT: She's answering. I'm not going to concede that she's speculating.

[68] MS. HUNTER: I may hold you to that.

MR. HIRT: I clarified too quickly.

MS. HUNTER: I guess the record will speak for itself.

MR. HIRT: Yes.

BY MS. HUNTER:

Q With regard to the grant applications in 1982 or 1983, were you aware of whether there were any grant applications that included services or salaries for religious staff as part of the non-Federal match which was required from the Title 20 applicants?

A Again, that would be part of the staff review process. Unless it was brought to my attention specifically I would not know it's a level of detail that they would be responsible for calling to my attention.

Q Was there any policy in the office at that time with regard to the appropriateness of the non-Federal matching including religious salaries or staff time?

A Only from the standpoint that the issue had been raised in a general sense, religion in a general sense. I don't recall any particular kind of prohibition against having a person with a religious affiliation presenting Title 20 material as long as what they were doing was not promoting religion. So it probably was not an issue.

[69] Q Would it be corrct to say then the policy was that including religious salaries or staff time wihin the non-Federal match was acceptable?

MR. HIRT: I think you're leading her. Why don't you ask her one way or the other.

MS. HUNTER: I asked and I'm trying to clarify her answer.

MR. HIRT: Again, I think religious staff is a term that's unclear.

THE WITNESS: Yes. I could not say whether – It would seem to me that – Let's see now. It would seem to me that on its face a religiously affiliated person could be paid for doing appropriate activities within Title 20, and they could be receiving some money for it whether with Federal match or with Federal funds. However, one wants to look at it. The question is what were they doing and so I don't recall any policy at the time.

BY MS. HUNTER:

Q All right. Let's make the record very clear.

With regard to this question of non-Federal matching including salaries or staff time, was it the policy of your office that the inclusion of staff, the inclusion of salary to a clergy member would be acceptable as part of the non-Federal [70] match depending on the activities of the clergy member that were funded with the Federal funds?

A I don't really recall that ever coming up. And I would say that what we had—issue that you would have to divide here—You're saying clergy member now?

Q Yes.

A Not just religious affiliation. You're talking about clergy member?

Q Yes.

A I don't recall that any kind of a policy was ever made on that or that that issue itself was ever brought to my attention. I would have to consult with lawyers and think about that carefully. And I don't recall that it was ever brought to my attention.

Q What was your position on that question? Did you have a position?

A I don't—Since I would have to consult with lawyers now, I would not be able to say that I had—I'm saying I probably don't have a position now without consultation regarding what would be appropriate. So I would not have had a position then either. I assume.

Q What about with regard to salaries or staff time of employees of a religious institution or church, non-clergy [71] employees? Is that what you meant earlier when you said persons with religious affiliations?

A Yes. I think it might make some difference what level we're talking about of an individual. However, once again, I think it's an issue which could be complicated and I would have to have guidance from attorneys.

One of the kinds of things that would be important is what kind of activity, clearly, they were involved in, and what portion of their time they were doing what. But I'm not a lawyer and I would have to consult with them if that question were to come forward in a specific way for a grantee.

Q What about with regard to an in kind of non-Federal match including estimated amount of rental or payment for the use of religious facilities. Was that an appropriate portion of a non-Federal match in a Title 20 program?

A Once again, that is an issue that we would have to consult with attorneys about when it's brought to our attention as a particular problem. And so I would have to look at each issue very carefully and get legal advice once I was aware that a problem, potential problem existed.

* * * * *

[76] BY MS. HUNTER:

Q Would you have considered the fact that programs were to be presented by a grant applicant to primarily or only to parish or parochial audiences to be relevant to the consideration of the nature of the population to be served?

A When I was looking at the population to be serviced, I was thinking primarily in broader terms. No legal interpretation had been made at that time that I was aware of or that I participated in that that would have been a particular problem. I mean, I would say that that kind of a question needs legal interpretation in order to know whether it should be something I would take into consideration. And I don't believe that I had that kind of legal interpretation prior to the grant awards being given.

Q Did you take any steps, other than what you have already described in the deposition, to ascertain what the nature of the audiences would be for the programs to be

presented with Federal monies from religiously affiliated applicants?

A Since I did not perceive it as a particular problem, at the time, to present appropriate Title 20 material to religiously affiliated audiences, obviously that didn't occur [77] to me as a problem at the time.

Q Would it have been relevant to your determination of whether there was a broad basis of community support that the programs were to be presented only to parish or parochial school audiences?

MR. HIRT: You asked that question before.

MS. HUNTER: No. I asked a different question.

MR. HIRT: Go ahead.

THE WITNESS: I'm afraid I'm going to have it repeated. I'm sorry.

MS. HUNTER: Go ahead.

(Record read.)

THE WITNESS: Again, I would need legal counsel to tell me that it should be relevant to my concern. If there is a legal problem with that then it would be something that I should be concerned about. If there is no legal problem in that, then it is not something I should be concerned with.

BY MS. HUNTER:

Q Did you consider it relevant at the time?

A I don't recall that I did consider it relevant at the time. I do not recall that.

Q Do you think there is any relevance between the presentation of programs only to parish or parochial school [78] audiences and whether there is a broad basis of community support for a program?

MR. HIRT: Except for changing tenses and verbs, which I think is not a substantial change, you're asking the same question yet another time.

MS. HUNTER: It is a change.

MR. HIRT: Do you think it presents is the same thing as do you think it's relevant. I don't think the change in verb

tenses or terminology changes the question. She already answered. I will let her answer it again.

MS. HUNTER: The record will speak for itself. It's a different question. Why don't you read the question back?

(Record read.)

THE WITNESS: In my view I would like the program to be presented to a broad group of individuals and not confined to any particular groups. That's what my view is.

* * * * *

[82] Q With regard to those applications that were not from the health department but were religiously affiliated organizations, did you take any steps to ascertain whether there would be any religious influence from other activities conducted by that organization on the Title 20 program?

[83] A Not unless there was some pressing problem staff member or someone had looked in detail at the problem and brought it to my attention. And I would presume that in the case of some of the phoning that took place that that was one of the kinds of concerns that could have been covered in that situation in the staff review.

Q Were you aware at the time that you made any of the funding decisions in 1982 or 1983 that some of the programs as described in the Title 20 applications included presentations to be made by members of the clergy?

A That, again, is a level of detail that I would not be aware of but that my staff would have. And, again, could have been part of the religious discussion.

Q Um-hum. In your administration of your office, would there have been any problem, had you been aware, that some of the Federal monies would have been used to include presentations by members of the clergy?

A Had I been aware, I would have had to ask legal counsel and clarify the situation.

Q Did you seek any instructions or any guidelines concerning the participation by members of the clergy in any

of the Title 20 programs from Mr. Brandt or anyone else higher up in the agency?

[84] A Since it was not brought to my attention there was any problem, I would not have raise it with Dr. Brandt.

Q With regard to any aspects of religious involvement in any of the Title 20 grantees, did you seek any instructions or any guidelines from Mr. Brandt or from anyone else higher up in the agency?

MR. HIRT: Again, assuming there is.

Go ahead.

THE WITNESS: You know, I can't recall that the problem was raised by my staff in their review. So obviously it was not presented since I was not aware that the problem existed.

* * * * *

[91] Q With regard to Mr. Doerflinger of the Bishops Committee for Pro-Life Activities, you met with him, I believe, on March 13, 1983?

A Um-hum.

Q What was the nature of your meeting with him?

A He's included because they have—the Bishops Committee has an interest, as a lot of other people do, in the kind of activities I'm involved in in the administration including Family Planning and Adolescent Family Life. And I was unsure about exactly what the topics were. It could have ranged over a number of issues with him. And most likely he did ask about Adolescent Family Life and we had some discussion [92] about it. I think as a program rather than about any particular grantee or implementation of the Act, just in a more general sense about the program and the kind of progress we were making.

Q Um-hum. Did you discuss with Mr. Deoerflinger any of the—Strike that.

Do you recall discussing with Mr. Doerflinger the Adolescent Family Life Act specifically?

A I believe I must have because his name is here and I think that's the case. The Act, the program, the Act, whichever, you know, however you want to discuss it.

Q Do you recall discussing with him any of the grantees?

A That I do not recall.

Q The next person you have indicated is Dorothy Daily of National Catholic Charities, but you indicated without a date.

Can you tell me what basis you used to answer the question if it was other than your calendars?

A She is someone who has been concerned about Adolescent Pregnancy Programs and who requested a meeting with me to discuss the Adolescent Pregnancy Program. And I recall even though I could not find it on my calendar that I had met with her. And so the date was missing, I guess, but to discuss the Act and the program, the general goals of the [93] program, I guess.

Q Um-hum. Did you discuss any of the applicants or grantees with Miss Dailey?

A I don't recall ever having a substantial conversation with her about any particular grantee. It's more in a general sense, the program.

* * * * *

[141] Q Were there any recommendations from any Congressional offices as to external readers?

A I would not be surprised if there weren't people who would have recommended—that there were Congressmen who recommended people. I can't recall any specific instances, but it would not surprise me if something like that occurred. I [142] hear regularly from Congressmen about a variety of issues.

Q Were there any recommendations from the offices of Snatts or Hatch?

A I could not recall if that was the case.

Q Do you recall specifically with regard to Snatts or Kennedy?

A No, I could not recall. It's possible, but I could not recall.

Q Do you recall with regard to Senator Denton?

A I do not. But it would be possible.

Q What about with regard to Senator Helms?

A It's possible, but I cannot recall.

Q Do you recall why there were a number of persons chosen who were employed by or affiliated with Catholic Charities or other Catholic organizations?

A Any religious affiliation in the reader process, you know, was in my mind, neither a requirement or a disqualifyer. It simply was an attribute that they may have possessed. Perhaps it's because there are many, I mean, there are many Catholic and other religiously affiliated individuals very much involved in providing services to pregnant adolescents throughout the country. And it would be reasonable that some of them might indeed be representative of that community in this kind of a list.

* * * * *

[144] BY MS. HUNTER:

Q That's right. And were there any other clergy – Were there clergy from any other faiths who were selected to be external readers?

A I don't know.

Q Can you tell me why there apparently were relatively few persons selected who were affiliated with local or state health agencies, public health agencies?

MR. HIRT: Plaintiffs' counsel is characterizing. No foundation for that. But go ahead.

THE WITNESS: The list of readers from the suggestions that I had available to me at the time is one which represents a number of disciplines, number of different kinds of expertise including medical expertise.

BY MS. HUNTER:

Q I'm asking with regard to public health agencies, Miss Mecklenburg. Please try and listen to the question and answer the question.

MR. HIRT: She is trying to answer the question.

THE WITNESS: I am trying to answer the question. I am not certain myself whether some of these physicians or nurses might be associated with state health departments or county health departments or in the past have been. I have no [145] idea.

BY MS. HUNTER:

Q What about with regard to –

A The health areas was important. And it is included particularly, you know, that would seem to me to have been the important thing that the health area was represented.

Q What about with regard to local family planning councils or organizations. Can you explain why there are few, if any, persons on the list who are affiliated with local family planning organizations?

A Family planning is a very – is one part of this program. But it's not the main thrust in the prevention area. And certainly it isn't the main thrust in the care area. So it may be that no names were submitted to me with particular interest in either postponement of sexual activity or in care services for already pregnant teenagers. It must be that I did not have before me names from family planning councils who had an interest, or someone identified, having an interest in serving as a reader in this program or I would have considered them.

Q What about with regard to foundations that have been active in the area of funding projects on the topic of teenage pregnancy or sexuality?

[146] A One can always find other kinds of groups who are not included. I would not testify for sure that no one involved with a foundation is on this list.

Q With regard to the—Strike that. Had you ever selected field readers before 1982?

A No. But I participated as a field reader before 1982. I was asked by the Federal Government, by ACYF, to serve as a field reader on applications.

Q Had you had any experience in selecting a panel of field readers?

A No. But I had people who I knew and who I communicated with regularly, including staff members, who did have experience.

Q Did you seek recommendations for field readers from anyone other than the OAPP staff?

MR. HIRT: Isn't that—

THE WITNESS: I testified earlier that there was other information available to me or given to me already and in some cases I did ask, make contacts specifically to ask for suggestions. Those kinds of contacts were wide and varied and I could not relate those at this time.

BY MS. HUNTER:

Q With regard to the comments that were actually [147] furnished by the field readers in 1982, I believe you testified previously that there was at least one comment that was brought to your attention by the staff as having what you described as religious overtones.

Do you recall who the author was of that comment?

A I don't wish to represent it as saying it had religious overtones. The staff person who brought it to my attention said it did. I don't recall the comment specifically, and I do not recall the individual. I do recall the incident in a general sense.

* * * * *

[164] Q Directing your attention to the 1983 grants decision, do you recall making a decision not to fund the University of Arkansas in that funding cycle?

A In reviewing materials with my counsel, yes, my memory was refreshed that I did not fund the University of Arkansas.

Q Do you recall that there were projects that scored lower than the University of Arkansas that were funded?

A In viewing, the materials, again right prior to the deposition, yes, I refreshed my memory that there was someone with a lower score that was funded.

[165] Q And do you recall that the office staff recommended or that the recommendation was made to you that the University of Arkansas be funded in 1982?

A Well, obviously the review committee or panel recommended a number of people for funding, including the University of Arkansas, including all the people that I funded.

Q What was the basis of your decision not to fund the University of Arkansas?

A It's always difficult to try to think in terms of all the information one had available at the particular time you made a decision.

I will say first that it is the director's responsibility to make those decisions. They do not accept either from the staff or from the review committee generally completely all their recommendations or they would have no role except to sign the check, so to speak, and send the letter out. It is the director's duty to apply the appropriate criteria and to make the funding decisions.

So having said that, it seemed to me that in preparing for this deposition and doing at least a cursory look at the information I had available at the time that I felt that the organization that I chose to fund was more complimentary and provided a different perspective than the University of [166] Arkansas. It was somewhat of a different model in a different kind of program. And after all, this is a demonstration evaluation program with the idea of getting a variety of models. And that was one of the kinds of criteria that I needed to look at.

And so I chose a fundable project, but one which I felt was a bit more unique and somewhat added, complimented the existing grantees.

Q What was the other project you are referring to?

A Well, the University of Arkansas. Oh, the one I funded? Families of America.

Q And were there letters received by you prior to that funding decision which discussed criticisms or complaints concerning the University of Arkansas?

MR. HIRT: Received by her personally or by the office?

MS. HUNTER: That she saw.

MR. HIRT: OK.

THE WITNESS: I was aware of letters both of complaint and support for the project in the University of Arkansas.

BY MS. HUNTER:

Q Um-hum. And were the letters of complaint oriented to the fact that the University—in some cases at least the [167] University of Arkansas program had utilized materials associated with Planned Parenthood?

A I can't recall the details of the letter of what the complaint was. I do know that—I do recall that there were letters concerned about the contents of the program. I can't tell you the specifics at this point of what the complaints were.

Q Had the Families of America applied for funding in 1982?

A In preparing for this deposition, I believe someone mentioned that they had. I was not necessarily aware of that at the time I funded them.

I don't recall that except I believe someone said that. So it's probably so.

Q Do you recall whether the 1983 application from FAF contained references to religious activities?

A Again, you would have to clarify what you mean by religious activities.

Q I'm asking you whether the FAF 1983 application described any activities concerning religious lectures, religious teachings or religious materials that were to be supported with Federal funds?

A Certainly not my recollection that Federal funds—[168] My recollection or my intent in funding them with Federal funds is that the Federal funds would not be used to utilize religious materials or to put on religious classes.

Q Were you familiar with the sites that were going to be used by FAF?

MR. HIRT: In '83?

MS. HUNTER: Yes.

THE WITNESS: I suspect that I saw there were sites at the time. I certainly couldn't tell you at this point, except again in preparing for this deposition, I understand that Minnesota had one of the sites. But you know, I was not aware of—I mean, I could not recall for you what the other sites were because I have no idea. This was not raised prior to the deposition. But I know there were multiple sites. And I probably knew there were multiple sites. I'm sure I did at the time. So I probably was aware.

BY MS. HUNTER:

Q Did you take any steps to investigate any possible religious involvement in the FAF program as it was described in the 1983 grant application?

MR. HIRT: In terms of the time period before the funding decision?

BY MS. HUNTER:

[169] Q Before the 1983 funding decision?

A I believe, I can't recall specifically, but I believe I was satisfied that they would not be promoting religion in that project as we funded them.

Q What was the basis for your conclusion that they would not be promoting religion?

A I cant't recall. It's possible there may again have been some contact. I'm trying to—It's possible they may have been contacted prior to the grant award. I can't recall specifically. I suspect there may have been.

Q Do you recall specifically any actions that you—Strike that.

Do you recall specifically any input you requested with regard to the 1983 FAF grant application?

MR. HIRT: Any input from the staff?

BY MS. HUNTER:

Q From anyone.

A It would be unusual to not have requested input on any application in that process from some staff member or from another source. But I cannot—I couldn't tell you specifically for that application what it is, what input I got from whom.

Q Did you take any steps to investigate the complaints [170] that were received concerning the University of Arkansas program?

A That would be an appropriate staff function. And I know the staff was involved in talking with people at the college level. There were letters, as I recall, return letters to some of the people who had written letters. I even recollect that there were some changes made in that program, at least in one site. I don't know whether there were changes made in all the sites. But there were a number of difficulties surrounding that Arkansas project. And my staff was involved with the project. That I do remember.

Q Did your staff recommend that Arkansas be funded or not funded?

MR. HIRT: This is the staff as compared to the Ad Hoc Review Committee?

MS. HUNTER: Yes.

THE WITNESS: I cannot recall.

BY MS. HUNTER:

Q Can you describe any specific information that you received, other than what you have already described, concerning the complaints that were made about the University of Arkansas program?

A I could not recall anything more specific than I have [171] already testified to.

Q I believe Mr. Hirt offered earlier in the day that at some point in 1983 you met with Mr. Hurley and Mr. Wilson of FAF. Do you recall that meeting?

A I do remember meeting. Well, I have met with some members. Who did you say? Sula Hurley was one, and what was the other person?

Q Wilson.

A Mercedes Wilson. I have met with Mercedes Wilson pertaining primarily to Title 10 family planning programs in the past. I may have—I suspect that I have discussed adolescent pregnancy, fertility awareness with her from time to time as part of those meetings.

As I recall, my Deputy and I met with Sula Hurley only following the receipt of her grant and discussed their project and what it was, you know, what she would—she was planning it. And we were discussing with her her project.

Q How long have you know Miss Wilson?

A I haven't know her well. But I have known of her for a number of years. I am not sure that I met her prior to coming to the Department, however.

Q How long have you known Ms. Hurley?

A Not long.

[172] Q Less time than Miss Wilson?

A Yes. I'm quite sure I didn't know her before coming to the Department, I don't think.

Q Are you familiar with the Billings ovulation method?

A I have a very surface knowledge of it only.

Q Were you aware at the time that you made the decision to fund FAF that its activities were related to the

philosophy for the practice of the Billings ovulation method?

A What I would have been concerned about, and what I assume the field readers were concerned about, was their activity to encourage postponement of secular activity among adolescents and respect for fertility, resonsibility, those kinds of qualities.

[191] Q According to your programmatic interpretation, what information, if any, could a counselor in a Title 20 funded program provide about abortion?

A They could not – What could they provide?

Q Yes.

A That, again, would need perhaps legal interpretation. If someone wanted to come to me or to any of my staff and they would come to me with sufficient information and a very hard case that they would like to do such and so, but in some detail, exactly what information and what setting or what kind of services and what setting, we would have to have legal interpretation.

In the meanwhile, it's very clear according to the statute that the program employes, the program cannot provide referral, counseling or referral for abortion except when – referral is possible when a parent requests it.

Q Is it your testimony that so far as you are aware, [192] there's been no question raised as to the applicability of Section 2011 that cannot be answered by reference to the language of the statute itself, raised by grantees?

A I did not testify to that fact. What I testified to is that I made it very clear that we would be relying on the statute until we had sufficient program experience to see what kind of guidance was reasonable and helpful, at least to a large number of grantees. In the meanwhile, on a case by case basis with sufficient information for legal counsel to make a determination we would offer guidance to that individual grantee.

Q Have you offered any guidance to any individual grantee to date concerning section 2011?

A I am not aware that any grantee has brought in a special problem with information requesting that kind of interpretation.

Q Are you aware that any members of the OAPP staff are having difficulty answering questions from grantees regarding the issues raised by Section 2011?

A I am aware that the person who is responsible for monitoring of the programs evidently feels that there is a need for and prefers broad guidance or guidelines to individual case by case interpretations and has asked for, repeatedly for [193] that kind of decision by me. And I have not made that decision. I have made it clear that we are not going to make that decision until we know what guidance is reasonable and applicable to enough grantees to warrant additional guidance.

Q Are you aware that other members of the OAPP staff other than Mr. Sheeran believe that their jobs could be better performed if there were further guidance concerning the applicability or meaning of Section 2011?

MR. HIRT: I don't know if there's any foundation for that, but go ahead.

THE WITNESS: Well, I don't know that this is the case. But it would not be surprising since Mr. Sheeran supervises the other project officers who would be responsible for monitoring, if he did not, you know, was not able or was not willing to deal with this issue in this way, it would be understandable that the people who he supervised could have possibly had problems. But they were not brought, as I can recall, directly to my attention.

* * * * *

[311] BY MR. HUNTER:

Q Was there ever a tool developed for the monitoring activity of ascertaining the degree of religious involvement in any of the Title XX grantees?

A I believe that the telephone was used, and I testified to that in the past, the telephone could be used by the Project Officers in order to discuss with any particular grantee the concerns that they may have. I certainly want to make the record clear that conversations between Project Officers and grantees were not limited to some kind of protocol that was initiated by me or that was a policy by the office. So that on an individual basis, whenever that information was necessary, surely one would have expected that the Project Officer would have used the telephone, or done [312] anything else appropriate in order to see, to ascertain whatever information he or she needed.

Q My question was, if you could answer yes or no, was there any protocol or tool developed for the specific purpose of ascertaining the degree of religious involvement of any of the Title XX grantees.

A I can't recall that either Mr. Sheeran's protocol or Freya Sonenstein's protocol that was developed had questions of a religious nature. I do not know. They developed the draft and I can't recall that. However, again I would like to make sure that it is on the record that these particular protocols or tools were developed for special projects in between. The expectation, which I am sure was shared by staff, was that they would be in touch with the grantees and aware of the grantees' activities in all regards concerning the law, so they would have been expected to, without a protocol, to utilize the telephone and other appropriate means of monitoring, for religious monitoring, as well as any other purposes.

Q Did you ever ask Mr. Sheeran or Ms. Sonenstein, or anyone else on your staff to develop a protocol or a tool to ascertain the degree of religious involvement of any of the Title XX grantees?

[313] A I can't recall that I did, because I was not aware that there were particular problems, having been assured by the person who was responsible for monitoring

that he felt that the problems were taken care of or that there were no particular problems. Since none were brought to my attention specifically as existing, I would have had no reason to develop a protocol to call grantees to ask them about their religious involvement.

Furthermore, clearly there would be no reason to expect that that would affect large numbers of grantees in this program since most of them do not have religious affiliation.

Q Did Ms. Sonenstein ever assure you, in those or some other words, that there was no religious involvement in any of the Title XX grantees?

A The person who has maintained the responsibility for monitoring the grantees and maintained the title has been Patrick Sheeran, and since he was well aware of the potential problems and had assured me that he was aware of that, I can only assume that he was maintaining his role in making certain that these kinds of problems did not exist.

* * * * *

[321] BY MS. HUNTER:

Q Again, if you could try to answer the question that I asked, Ms. Mechlenburg. The question that I asked was whether there were any materials that were reviewed and suggestions made in 1982 with regard to the issue of the religious nature of the materials. Do you know of any instance like that? Yes or no?

A I cannot recall. Once again they were reviewed [322] for a number of different aspects, and I could not, without the materials in front of me and the curriculum in front of me and the reports in front of me, recall any specific instance that you might be referring to.

Q Same question, and again I would ask for a yes or no answer to that question, with regard to 1983. Do you know of any instance in which the staff of OAPP—anyone on the staff of OAPP—or any outside specialist dealt

with the issue of the religious nature of materials from any Title XX grantee programs?

MR. HIRT: I think you want to clarify that. Dealt specifically with?

MS. HUNTER: I think it is clear—had any specific response to that specific issue.

MR. HIRT: That is a different question, but go ahead.

THE WITNESS: Was it '83?

MS. HUNTER: Yes.

THE WITNESS: I cannot recall, except I know that the issue of curriculum and the materials in the curriculum has been one which has received attention in my program and that staff members, appropriate staff members, have been aware that potential exists for possible problems[323] in this area, and if the problems did exist, once again this was worked out between the Project Officer and the grantee and they would have conferences and work on any kind of changes that they would feel need to be made.

Deposition Excerpts of
Patrick J. Sheeran,
Director, Division of Program Development and Monitoring in the Office of Adolescent Pregnancy Programs

[Direct Examination by Ms. Benshoof:]

[78 Because of the whole scope of the abortion discussion, because of these parameters, my feeling was and my guidance to grantees was you are better off not discussing it at all. You are certainly in accordance with the spirit of the legislation if it is not discussed at all, and from the point of view of your own reputation, avoid it. In fact, I went so far as saying to grantees you should not even know how to spell the word abortion. Those are the directions they got from me.

Q Did that come from you or anyone who supervised you?

A It was my interpretation, my compromise with myself from the interpretation I gave from the directions I was given from my supervisor.

Q Which supervisor

A Mrs. Mecklenburg.

Q What directions were you given?

[79] A That it was all right to talk about the bad things about abortion; the negative consequences were all right to be talked about; if abortion was discussed as killing and all the negative things about it, that would probably be all right in a prevention program.

Q In other words, Mrs. Mecklenburg stated under the Act in a prevention program, negative things about abortion, such as it was killing, were all right to be discussed but nothing else, and in order to reconcile that with, could I state, your conscience, you said it was better to say nothing at all?

A Yes.

Q Is that a correct characterization?
A That is a correct characterization.

* * * * *

[98] Q Plaintiff's Exhibit No. 6 refers to field readers Who were these field readers and how were they selected?

A This is the result of a process recommended by me and the program staff to conduct the review of applications received. This was the method decided upon by the Director.

Q You recommended that field readers be used to evaluate the grant proposals, and Marjory Mecklenburg accepted this recommendation; is that correct?

A Yes.

Q Who drew up the first list of outside readers to which these grant proposals would go?

A The first list was drawn up by me. Actually, it [99] was drawn up by Barbara Rosengard at my direction to include names of potential field readers submitted by me, myself, Barbara Rosengard, Julianne Davis, and a number or external individuals.

Q Such as?

A Caroline Gaston, director of a school out in Albuquerque, New Mexico; Lois Gatchel, formerly the director of the Margaret Hudson program in Tulsa, Oklahoma, and Denise Shipp from the staff of the American College of Obstetrics and Gynecologists. I think that was the gist of it.

Q How many people did you have on this list?

A On the initial list that we submitted to Mrs. Mechlenburg, there were probably in the neighborhood of 100 people.

Q Had these people had experience with grant evaluation?

A Some did and some did not.

Q Out of this list of 100 people, did you ask that Mrs. Mechlenburg approve the list or in any way change the list? In what way did you submit it to her?

A I submitted the list as a list of recommended readers for the Title 20 review process. She was free, as she knew, to add to or subtract from it in any way. It was [100] her decision.

Q What happened to this list?

A The list was submitted to her. Following the submission, I had no further discussion on it. All I knew was that sometime thereafter, a letter was sent with Mrs. Mecklenburg's signature to a number of readers with a questionnaire asking them if they would be willing to accept the job of reviewing grant applications during July or early August of 1982 and, if so, to send back the application and a copy of their resume indicating also, I believe, if I remember correctly, the type of application that they would wish to review, whether they wanted to review one that was prevention, care, a combination, special consideration.

Q Were these reviewers to be paid?

A Yes.

MS. BENSHOOF: I would like to have these two exhibits marked as Plaintiff's Exhibits 7 and 8.

[Plaintiff's Exhibits 7 and 8 were marked for identification.]

BY MS. BENSHOOF:

Q Mr. Sheeran, you stated that Mrs. Mecklenburg received from you a copy of a list of 100 names. Do you know how many names of readers were ultimately used, how many [101] readers were ultimately used to review grant applications?

A Knowing we needed 72, we had 72.

Q Was the 72 taken from your list of 100?

A Some of them were.

Q How many of them?

A Fifty percent, perhaps. That is a guess.

Q Where did the other names come from?

A The other names were selected by Mrs. Mecklenburg herself.

Q Did any of the staff that had input into drawing up the 100 names with you have input with Mrs. Mecklenburg in drawing up the names which composed about half of the final readers?

A None of those who had input with me in the list submitted.

Q Did you have any discussions with Mrs. Mecklenburg or anyone else at the staff of the Office of Population Affairs about the new list of readers drawn up by Mrs. Mecklenburg?

A I did. I discussed it somewhat with Joe Lampe who composed the June 23rd letter, and it was he who compiled the list for Mrs. Mecklenburg and prepared the letter and application that went out to those readers.

[102] Q You are now referring to Plaintiff's Exhibit 8, a letter dated June 23, 1983 signed by Marjory Mecklenburg?

A Yes.

Q It is your testimony Mr. Lampe took the names given him and wrote this letter?

A Mr. Lampe at Mrs. Mecklenburg's direction was given the names, the final selection she made, and he was asked to draft this letter and to contact the readers to find out if they would be willing to do the job.

Q Did you view a list of the readers to whom this letter was sent?

A Not until afterwards.

Q Did you have any discussions before this was sent with Mr. Lampe or others about the readers?

A No.

Q When did you view the list of readers?

A Mr. Lampe gave the list to Barbara Rosengard sometime after it had gone out, and it was only then that I saw for the first time who the potential readers were.

Q Could you describe those readers to me.

MR. HIRT: I want to go off the record a moment.

[Discussion off the record.]

MS. BENSHOOF: Back on the record, please.

[103] BY MS. BENSHOOF:

Q Mr. Sheeran, if it was part of your job in assembling applications and helping evalute applications for Title 20, why did you not see the final list of readers until after the letter had gone out to them, which was drawn up by Mr. Lampe and signed by Mrs. Mecklenburg?

A I don't know why I wasn't told about or shown the list.

Q Didn't you feel this was unusual?

A Yes.

Q Did you protest?

A No.

Q But you felt it was irregular?

MR. HIRT: Unusual was his testimony.

BY MS. BENSHOFF:

Q Unusual and irregular?

MR. HIRT: You are leading the witness.

THE WITNESS: I felt that my job was to provide the options, and whatever option was selected, it was ultimately going to be her decision.

As to whether or not I should have been told what an option would be, I felt I should have been, but that was not my prerogative.

[104] BY MS. BENSHOOF:

Q When you received a copy of the list of readers after the letter, Plaintiff's Exhibit 8, went out to those readers, I want you to describe to me what your reactions were as to the qualifications of those readers as compared to your original list.

MR. HIRT: Did he have any opinion?

BY MS. BENSHOOF:

Q Did you have any opinion?

MR. HIRT: This is the portion of the final list that was not on his original list.

BY MS. BENSHOOF:

Q The portion of the 72 which you had not originally selected with your group, did you have an opinion as to the caliber, the experience or the qualifications of those readers?

A I did.

Q What was that opinion?

A First of all, most of them I would say were totally unknown to me. Secondly, I was totally unaware of their experience in grant reviewing or adolescent pregnancy programs.

Thirdly, I was somewhat surprised by the inclusion of a number of persons with religious affiliations.

* * * * *

[111] Q Were the ones that you had serious concerns about those whom you described as religious?

A Some of them.

Q You stated that Mrs. Mecklenburg selected one-half or around 36. Could you give an estimate out of this 36 as to how many would be religious, as you described?

A I am not exactly sure I said that. I said she selected about half of the 100 that I submitted, and that is approximate. I have not counted them. I am giving you the best I can recall.

Q Of the readers unselected by you and selected by her, could you give an estimate of the percent of those who were religious?

A Of those selected by her, 30, 40 percent.

Q You mentioned that you were concerned about the qualifications of many of them. Your question was many

of them meaning not selected by you but the qualifications of the ones selected by Mrs. Mecklenburg.

Out of this group, about what percent did you have serious questions about their qualifications, and I am not referring to just the religious ones. Out of the group of the 72 selected by her, about what percent did you have [112] serious questions about their qualifications for this particular job?

A Ninety percent of them.

Q And you stated 30 or 40 percent of them probably had religious affiliations?

A Yes.

Q Did you have any discussions with anyone as to how this group was formed, or do you have any independent knowledge of how this group was formed?

A You have two questions there. No, to the second question. No, I do not have any knowledge of how the group was formed. Discussion was informal with staff, as I mentioned earlier.

Q Were there any members of the staff who knew how this group was formulated?

A I believe that Joe Lampe was the only one and Ernie Peterson were the only two who knew how the final selection was made.

Q Did Mrs. Mecklenburg have any staff discussion with anyone before the letter of June 23rd went out to the readers about this final selection of a list of 72?

A Not that I can recall.

* * * * *

[120] Q Did any comments from the HHS reviewers note the religious content in any proposal?

A Yes.

[121] Q Who?

A I cannot remember exactly who. I would be guessing, but I do remember they were noted.

Q Where were they noted?

A In the internal review process, we had certain forms that we used to summarize what was done, and we had meetings, with the director and, in both instances, some of the comments were noted and presented.

Q Were there any guidelines on religion given to the HHS reviewers who were looking at the comments and the scores?

A None.

Q What was the nature of the comments?

A As I recall, some of the reviewers' or readers' comments were critical of certain kinds of organizations, critical of the fact that some organizations did not manifest Judeo-Christian philosophy.

Q Did or did not?

A Did not, and didn't present an ethical, moral approach to teaching family life, sex education, and the like.

Q These are comments that were put on by the external readers or the internal HHS readers?

[122] A These were comments put on by the external readers and noted by the internal reviewers.

Q Are you aware of any written or oral communications that came through your office that certain groups should not be funded under this Act?

A Would you please repeat your question.

Q Were you made aware or given any written or oral communication such as a memorandum that certain groups should not be funded under this Act?

A Yes.

Q Could you describe that communciation and what it said.

A I was given an oral presentation on certain documents external to the organization that listed a number of agencies that this administration should consider not funding.

Q Who read this to you?

A Mrs. Mecklenburg.

Q Was this documents from the *Conservative Digest* by Richard Viguerie?

A Yes.

Q Was it entitled "Defunding the Left?"

A Yes.

Q Was the impression you received from her that the [123] organizations listed in that articles were ones that would not receive funding under this grant program?

A I don't think that was her point.

Q What was the context of her reading this memo?

A I understood it to be to advise me that there was such a document in existence and that perhaps we should be aware of it and doing an internal review and internal assessment of the applications.

Q Who else did she read this to?

A The only other person I have heard who told me it was read to was Dr. Patricia Thompson.

Q Did you have a discussion about this with Dr. Patricia Thompson?

A Yes.

MR. HIRT: It is well beyond 6:15, and you have gone beyond the scoring.

BY MS. BENSHOOF:

Q In your opinion, was this list of organizations read to you because Mrs. Mecklenburg agreed with Mr. Viguerie that the administration should not fund certain organizations listed?

A I don't know why she read it to me. I would only be guessing if I were to say yes, and I would be guessing [124] if I said no. It was read to me, and I was not told to follow it or not follow it. It was given to me as a guide.

Q But it was given to you in a professional context in your job; isn't that correct?

A That is correct.

Q It was not given to you at a party or after hours?

A No.

Q It was given in your professional capacity as a program officer evaluating grants nationwide from various groups; isn't that correct?

MR. HIRT: I don't think he has testified to that.

BY MS. BENSHOOF:

Q Is that a correct assessment?

A Yes.

Q Do you remember any particular groups that were on that list?

A Yes.

Q Could you list the ones that you remember?

A Urban Institute, Urban League, National Family Planning and Reproductive Association, Planned Parenthood, American Planned Parenthood Federation of America, I guess. These are just example of some that I can remember.

Q Did she call you into her office to read this or [125] was this read at a meeting of your staff? How did this reading come about?

A She called me into her office to read it.

Q That was the agenda of her calling you into her office?

A Yes.

* * * * *

[176] Q Yesterday you testified that you were particularly concerned about the qualifications of some of the readers selected by Mrs. Mecklenburg that made up the ultimate group of readers. In particular, you stated that there was a number who you identified as religious types. In reviewing the readers' comments and raw scores, did you see an association between the type of readers and the evaluation given on proposals from religious organizations?

A In some cases, yes.

Q Can you describe that correlation?

A To the best of my recollection, which is limited to just a few cases that I would tend to list as examples, the scores were very low and the accompanying comments not [177] appropriate.

Q Could you explain what cases, how low were the scores, and why weren't the comments appropraite?

A The scores were low and, I believe, if I remember correctly, that the comments indicated that the proposed program or the organization—sometimes both—didn't manifest sufficiently Judeo-Christian principles or the furtherance of the promotion of chastity and abstinence that the legislation seemed to call for.

Q So what you are stating is that some of the reviewers made comments that they gave low scores because the religious content was too low on particular applications?

MR. HIRT: That is not his testimony, certainly.

BY MS. BENSHOOF:

Q Would you agree with that statement?

MR. HIRT: I object to the form of the question.

MS. BENSHOOF: I will rephrase that.

BY MS. BENSHOOF:

Q Is what you are stating that some reviewers gave low scores to particular grant applications accompanied by comments which indicated they assessed too little Judeo-Christian content in the grant program?

A Yes.

[178] Q You also stated the words "chastity" and "abstinence". Are you referring to those two words as pertaining to comments by some reviewers, those two words in a religious context?

A I am referring to them in the context of the legislation, where these words are used.

* * * * *

[184] Q Mr. Sheeran, when Caroline Gaston, Lois Gatchell, Denise Shipp, and Marty Bogan came to Washington to act as outside consultants, they were under your direction; is that correct?

A Yes.

Q In reviewing the grant applications, in reviewing the raw scores, and in reviewing the readers' comments, were they in daily communication with you?

A Yes.

Q Did you report to Mrs. Mecklenburg about their daily discussion or were they in constant communication with her about this review process?

MR. HIRT: That is two questions. Why don't you rephrase it? You are asking him a compound question and I think that is entirely inappropriate.

BY MS. BENSHOOF:

Q Did they speak to Mrs. Mecklenburg about this review [185] process?

A No.

Q The person who supervised them and to whom they went with questions was you, is that correct?

A Yes.

Q To the best of your knowledge, was their only communication with Mrs. Mecklenburg in writing?

A I don't understand the question. Communication by whom?

Q You stated earlier that these outside consultants wrote a letter commenting on the review process to Mrs. Mecklenburg, a letter which you had not seen. To the best of your knowledge, is that their sole communication with Mrs. Mecklenburg?

A No.

Q What other communications did they have?

MR. HIRT: Without getting into the substance, so we can keep that problem still present. In other words, if they had any other conversations –

THE WITNESS: I know that Mrs. Gatchell hand delivered the letter to Mrs. Mecklenburg and talked with her in person.

BY MS. BENSHOOF:

Q Other than that occasion when she hand delivered the [186] letter and talked to her in person, do you know of any other occasion where Mrs. Gatchell or any of the other –

MR. HIRT: You are asking another compound question. I am going to object to each one of these. I want you to ask one question at a time.

BY MS. BENSHOOF:

Q Other than that occasion, did any of the other outside reviewers speak to Mrs. Mecklenburg?

A Oh, I am sure they spoke to her informally, but I have no knowledge of the substance of their conversations or the scope.

Q Did Mrs. Gatchell tell you why the letter was hand delivered?

A Yes.

Q Why?

MR. HIRT: Without getting into the same substantive problem, if you can, explain.

THE WITNESS: To call to Mrs. Mecklenburg's attention her concerns on the review process.

BY MS. BENSHOOF:

Q Had she expressed those concerns to you as her boss?

A Yes.

Q What has she expressed to you?

[187] MR. HIRT: I have the same objection as I stated before. We are getting back into the same problem in terms of communications.

BY MS. BENSHOOF:

Q You stated that she had stated concerns to you as her boss about the internal review process, is that true?

A No, about the external review process.

Q I will correct that. You stated that Caroline Gaston had presented concerns to you about the external review process, is that true?

A Yes.

Q Had any of the other three people stated concerns to you about the external review process?

A Yes.

Q Were those concerns stated to you orally or in writing?

A Mostly orally.

Q In this process of working with the outside consultants and reviewing the grant proposals and the outside readers comments and scores, was there any discussion, written or orally, about the American Civil Liberties Union?

A Yes.

Q And what was that?

[188] MR. HIRT:Let's go off the record for a minute. We want to take a short five minute break to discuss this. We will be back.

(Short recess)

BY MS. BENSHOOF: On the record.

MR. HIRT: You have a question pending.

(Record read—lines 17 thru 23 previous page)

THE WITNESS: In regard to some of the comments of readers, the question was raised something to the effect, as best I can recall, what would happen if the American Civil Liberties Union got hold of this.

* * * * *

[221] Q During the internal review process and prior to the time that any letters went out announcing the grants, did HHS investigate the religious contents of the proposed programs?

A Yes.

Q How?

A I was directed to make a number of phone calls, which I made, to some of the applicants who were about to be funded. I couldn't tell them that they were about to be funded, but phone calls based on the premise that if you receive funds.

Q Who did you call?

A I called all of the Catholic applicants who had a prevention component in their proposal, as well as prevention applicants themselves.

Q What did you tell them?

A I raised the question that if they did receive funds [222] under Title XX, did they understand that these funds were not to be used for teaching of morals,. dogmas, religious principles of that particular denomination.

Q Did you tell them anything about the kind of facilities or the religious affiliation of people to whom these programs could be held in or directed to?

A No, I did not.

Q What assurances did you get from what programs?

A I got virtually the same assurances from all of them, including the Catholic Charities of Arlington and Catholic Family Services of Amarillo, Catholic Social Services of Wayne County, St. Mary's Hospital in Kansas City, that the programs they would conduct with funds from Title XX would not be used for teaching religious classes, Confraternity of Christian Doctrine classes, or such religious education programs.

Q Were these assurances in writing or over the telephone?

A They were over the telephone.

Q Did you make a record of those telephone calls?

A I do not believe that I did. I may have, but I doubt it. It was under pressure at the last moment, and I had been asked to do it and come back with a verbal report that it had been done, with an assurance that if funds were given [223] they would comply with this directive.

Q Mr. Sheeran, you read Plaintiffs' Exhibit 12, is that correct?

A Yes.

Q In this Mrs. Mecklenburg discusses a project officer who discussed religious involvement with Catholic Charities of Arlington and Catholic Family Services of Amarillo, Texas. Are you that project officer?

A Yes, I am.

Q This document states that you were concerned there might be some religious content to the proposed curriculum and the context and location of services proposed to be provided. What were your concerns?

A I was concerned, particularly in the case of the Arlington proposal, that there was at least an insinuation that these programs would be conducted in parochial schools or in conjunction with Confraternity of Christian Doctrine classes and thereby be just a continuation of what Catholic schools and Confraternity of Christian Doctrine programs traditionally do.

Q Could you describe what Confraternity of Christian Doctrine is?

A Confraternity of Christian Doctrine, the programs, [224] of course, are religious education programs for Catholic students attending public schools, courses that are offered usually once a week that are somewhat related to what other denominations call a Sunday School.

Q Are issues relevant to sexuality, abortion, marriage, chasity, abstinence, and intercourse commonly taught in the Confraternity of Christian Doctrine classes?

A Yes.

Q Would you say that they are an integral part of Catholic theological doctrinal education for youth?

MR. HIRT: If he is qualified to give an opinion on that, he can, for what it is worth.

BY MS. BENSHOOF: Since you were a priest –

THE WITNESS: Yes.

BY MS. BENSHOOF:

Q You stated that you were concerned about the religious content in the proposed curriculum. This is a different question than where they are. What religious content were you concerned about?

A In this particular one, the Diocese of Arlington, I was concerned at the time that it was nothing more than what I termed, and I went with the terminology, nothing more than a glorified Confraternity of Christian Doctrine program.

[225] Q That is how you characterized it?

A Yes.

Q To whom?

A To Mrs. Mecklenburg and Mr. Peterson, and Mary Ann Hamilton.

Q You characterized it as a glorified version of a Confraternity program?

A A glorified Confraternity of Christian Doctrine program.

Q A glorified –

A Confraternity of Christian Doctrine program.

Q You then expressed this concern to Catholic Charities of Arlington?

A I expressed it to Mr. Peterson and Mrs. Mecklenburg and Mary Ann Hamilton, in our office.

Q When you expressed this to them, were you asking for instructions?

A Yes.

Q What did they instruct you to do?

MR. HIRT: Why don't we leave it at Peterson and Mecklenburg for now?

MS. BENSHOOF: Okay.

BY MS. BENSHOOF:

[226] Q What did Mr. Peterson and Mrs. Mecklenburg ask you to do about this?

A Nothing at the time.

Q Which time was this?

A At the time I raised the concern.

Q When was that?

A Oh, several weeks before the—during the internal review process and several weeks before the decision to fund was made.

Q Had any lists been drawn up recommending different projects?

A Not at that time.

Q You stated that they asked you to do nothing at that time about this religious doctrine. Did they ask you to do something at a later time?

A They didn't ask me.

Q Did they ask anyone else?

A They asked Mary Ann Hamilton to read the document.

Q Read what document?

A The application of Dioscese of Arlington.

Q For what purpose?

A To assess or to determine whether the concerns I had raised had any merit.

[227] Q Who was Mary Ann Hamilton?

A Mary Ann Hamilton was an attorney serving the office as an expert consultant to Mrs. Mecklenburg.

Q Did she render an opinion to Mrs. Mecklenburg about the Catholic Charities proposal?

A I don't know.

Q Did anyone communicate with you after Mrs. Mecklenburg gave that proposal to Mary Ann Hamilton?

A Mary Ann Hamilton communicated with me.

Q What did Mary Ann Hamilton say to you?

MR. HIRT: Could we go off the record for a minute?

(Record temporarily suspended)

MR. HIRT: Just for the record, we are going to authorize Mr. Sheeran to state what Ms. Hamilton said. It is not clear to me entirely whether Ms. Hamilton was act-

ing in a capacity as a lawyer or not, but I am willing to allow her advice to him in the context of this issue being directly raised, to be stated for the record. This is, after all, before the litigation, as well. So you can go ahead and answer what she said.

THE WITNESS: Ms. Hamilton had some of the same concerns that I had about the proposed program, that it might, indeed, be a program that would be operated in Catholic schools [228] or as part of a Confraternity of Christian Doctrine program that could very well entail the teaching of morals and dogmatic principles, and agreed that it was a concern as far as this particular proposal was concerned.

BY MS. BENSHOOF:

Q Did she state to you that she related her concerns to Mrs. Mecklenburg?

A No, she did not.

Q so you were not aware whether or not there was any written or oral communication between Mary Ann Hamilton and Mrs. Mecklenburg about the Catholic Charities curriculum?

A I am not aware.

MR. HIRT: Not curriculum, the application.

MS. BENSHOOF: Application materials.

THE WITNESS: I am not aware there was any discussion between them subsequently in regard to the application.

BY MS. BENSHOOF:

Q This was prior to the funding decision, is that correct?

A Yes.

Q Catholic Charities of Arlington was funded, isn't that correct?

Yes.

[229] Q They were funded prior to the time you called them to get assurances about not promoting religion or conducting religious activities, isn't that correct?

MR. HIRT: That is certainly not correct and you know that is not correct. They couldn't have been funded with money several days before the grant awards were issued, when he called them, because they didn't know whether they were going to be funded or not, and they hadn't been funded yet.

THE WITNESS: No, the phone call was made in between my discussion with Ms. Hamilton and the actual, on September 30th, when the funding decision was made.

BY MS. BENSHOOF:

Q So the phone call was made after the funding decision went out to the recipient or before it was made within HHS?

A The phone call was made before the final funding decision was made. The list of applicants for funding had been decided upon, but was subject to change up to the last minute. The phone call was made to insure that this applicant would be in compliance and would not use the funds to teach religion. Having had that assurance, then the final decision was made to fund the program.

Q So that the Catholic Charities of Arlington was on the final funding list of Ernest Peterson. Then you made the [230] phone call for the assurances?

A Yes.

Q Then you related those assurances to Ernest Peterson?

A Yes.

Q About how long was your telephone conversation with Catholic Charities of Arlington asking for these assurances?

A Two or three minutes.

Q What kind of assurances did they give you on the phone?

A That they would not use the funds to teach religion in Catholic schools or teach Confraternity of Christian Doctrine programs.

Q Did they make any statements that they would not conduct these programs in church facilities?

A No.

Q Did they make any statements that they would change or modify their curriculums?

A No.

Q Were you satisfied with their assurances?

A Yes.

Q What other calls did you make to get assurances?

A To Catholic Family Services of Amarillo, Texas; [231] St. Mary's Hospital of Kansas City, Missouri; Catholic Social Services of Wayne County, Michigan; St. Margaret's in Dorchester, Massachusetts.

Q Were these all on the final list compiled by Ernie Peterson?

A Yes.

Q How long, about, did each phone call to these different potential grantees last?

A Two to three minutes.

Q do you remember who you spoke to at each of these different projects?

A As best I can recall, I spoke to Betty West in Arlington, to Nancy Bushard-Fink at St. Margaret's. I think it was Drema Raupp—R-a-u-p-p, I believe—at Catholic Social Services of Wayne County, Michigan. I think it was Martha Lauder or Larry Watson—I am not sure which one—at Catholic Charities of Amarillo, Texas, and a gentleman at St. Mary's Hospital in Kansas City, and I just can't recall his name at the moment. It escapes my memory.

Q Did anyone other than you call to get assurances about the religious content?

A Not as far as I know.

MS. BENSHOOF: I would like to have this marked as [232] Plaintiffs' Exhibit 13.

(The document referred to was marked Plaintiffs' Exhibit No. 13 for identification)

BY MS. BENSHOOF:

Q Mr. Sheeran, I am showing you a copy of the grant proposal from Catholic Charities of the Diocese of Arlington, Virginia. I gave you some selected pages. I just have a few questions to ask you about this. Are you familiar with this document?

A I have seen if before, yes.

Q Prior to making the phone call to get assurances as to the religious content, did you then re-review the document?

A No, I did not.

A Who directed you to make the telephone call?

A Mrs. Mecklenburg.

Q I would like you to turn to the page which is Table A, marked 30. Did you or anyone at HHS ask Catholic Charties what it means to, which is one of the goals of their program, to-quote-clarify values of self, family, church, and community which relate to sexual behaviors?

A No, we did not.

Q On the next page, under Goals and Objectives, Roman [233] numeral III, did you or anyone else ask Catholic Charities to explain what is meant by the goal-quote-to develop community support for a program of family centered sex education in private schools and religious education classes?

A No, we did not.

Q I am turning to page 13, which has a document No. 36 at the top. In the middle of the page, the paragraph entitled "The Settings", it states-quote-Programs will be held in Catholic schools and religious education classes using church facilities. Did you or anyone at HHS inquire of Catholic Charities of Arlington, Virginia, why only Catholic institutions were utilized in this program?

A No, we did not.

Q Turning to page 18, Document No. 41, did you or anyone at HHS inquire what is meant by-quote-This

group will preview the program and assist in developing elements consistent with community/church/school/parent/teen views?

A No we did not.

Q The next page, page 19, the "Manuals" in the middle of the page, why were these manuals listed in the grant proposal? Did anyone ask why they were listed?

MR. HIRT: Which question do you want?

BY MS. BENSHOOF:

[234] Q Did anyone at HHS, including yourself, ask why these manuals were listed in the grant proposal?

A No, we did not.

Q Do you know why they were listed in the grant proposal?

A These were some of the concerns that we raised, that I had raised internally, and the fact that these materials were available—at least they were showing that—since they had another program in the diocese before, and these were some of the materials that they were going to use. I did not consider it an exhaustive list, but I did note the nature of the titles.

Q When you say you noted the nature of the titles, what do you mean by "the nature"?

A Well, I was familiar with the one, particularly, the one "Reverence for Life and Family", which has been used in several dioceses in the United States in Catholic sex education programs in parochial schools. It was written specifically for that type of purpose or for a parochial school religious setting, so, yes, I was familiar with that, and hence my concern about this particular program in the settings, whether it be parochial schools or Confraternity of Christian Doctrine settings. That was the basis for my concern.

[235] Q As a priest, had you used these manuals?

A No.

Q Do you believe that a class which uses these manuals discriminates against Jews?

MR. HIRT: You are asking for his opinion?

MS. BENSHOOF: Yes.

THE WITNESS: It could.

BY MS. BENSHOOF:

Q Do you know whether the Catholic Charities of Arlington or any other grant recipients' letters of recommendation were checked out?

A Would you please repeat the question? I wasn't concentrating.

Q Do you know whether Catholic Charities of Arlington or any other grant recipients' letters of recommendations were checked?

A No, they were not.

Q Could you turn to the next page of that exhibit?

A I just want to clarify one thing. "Checking out", I am interpreting that in the sense of checking them for authenticity, that they were written by genuine, real people. In that sense, nobody checked them for that purpose.

Q Did anyone call them to check them for further details [236] on the applicant?

A No, they did not.

Q So in both seses, no?

A Right.

Q I am turning to the next page of that exhibit, which is a letter on stationery of Good Shepherd Catholic Church, signed by Reverend Gerard Creedon. Were you yourself aware or was anyone at HHS aware that Reverend Gerard Creedon was the Executive Director of Catholic Charities of Arlington, Virginia?

A No, we were not.

* * * * *

[258] Q Are you aware that Catholic Charities of Arlington, Virginia, had the grant announcement from HHS announced by the Bishop who approved its submission prior to submission to HHS?

A Yes, I am.

Q How are you aware of that?

[259] A They told me. they showed me a clipping, I believe, from the newspaper during a site visit.

* * * * *

[260] Q Are you aware of the Bishop of Catholic Charities media announcement in church bulletins about the program?

A Yes, I am.

Q Did you approve those particular media announcements?

A No, I did not.

Q You question anyone about those media announcements?

A Yes.

Q Who?

[261] A Betty West, a Director.

Q What did you say to her?

A I wanted to know how they had promoted or advertised, marketed their program, how they let people know what they were doing or going to be doing, and then she told me about the announcements in the church bulletins, which I thought was an adequate promotion publicity activity.

Q Did you believe the announcements in church bulletins would go to persons other than Catholics who received the church bulletins?

A Possibly some.

Q Who?

A People pass church bulletins around. Sometimes they get passed around from one person to another. Sometimes there are non-Catholics at Catholic services

and, sure, they would have an opportunity of reaching some non-Catholics.

Q But it would be fair to say, wouldn't it, that the main purpose of Catholic church bulletins are to reach the parishoners?

A Yes.

* * * * *

[283] Q You testified earlier that Mrs. Mecklenburg read to you as a guide a list of organizations published by the Conservative Digest that she blacklisted for Federal funds is that correct?

MR. HIRT: I object. That is a mischaracterization of his testimony. Page 121 to 145 states, "She called me into the office to read it."

It is different from your term that she read it to him. It is a mischaracterization to state "blacklist" because that did not come out of Mr. Sheeran's mouth.

MS. BENSHOOF: I will rephrase the question because I haven't had an opportuity to read the transcript.

BY MS. BENSHOOF:

Q Are you testifying that Mrs. Mecklenburg did read you a list which you characterized earlier as a guide, a list which was published by the Conservative Digest, is that correct.

MR. HIRT: He did not say she read it to him as such. He can answer it.

THE WITNESS: She called me to her office and she called to my attention a list from which she read the names of several organizations which this particular periodical or [284] digest should not be funded by this Administration.

BY MS. BENSHOOF:

Q To your knowledge, were any title programs not funded because they were on this list?

MR. HIRT: I object. I don't think he has a foundation for asking that question since he did not make the decisions.

THE WITNESS:You mean Title 20 applicants?

BY MS. BENSHOOF:

Q Yes.

A In the service area with which I dealt and following the raw score method, I cannot recall any that were not funded because they were on the list.

Q Do you recall any other area of funding, if you have personal knowledge of that?

MR. HIRT: What do you mean by any other area of funding?

MS. BENSHOOF: Under the Title 20 program: Research, prevention and care.

MR. HIRT: Research is another issue. I want a continuing objection to your characterization.

THE WITNESS: What I described in my service area included care and prevention and combinations of both. As [285] far as research is concerned, it is my understanding that one was not funded.

BY MS. BENSHOOF:

Q Because it was on this list?

A I don't know whether it was on the list. All I do know is that it had a high score that was passed over and it wasn't funded.

Q What was the name of the organization or applicant?

A Urban Institute in Washington, D.C.

Q Was the Urban Institute on the list given to you from the Conservative Digest or read to you?

A Yes.

Q Who makes the research decisions? Strike that question.

Who was the program person in charge of making the research decisions under Title 20?

A Dr. Patricia Thompson was the program person involved in making the recommendations, but the decisions as in the Care Service Area were made by Mrs. Mecklenburg and Mr. Peterson.

Q Are you personally aware whether or not the Urban Institute was recommended for funding?

A Yes, it was.

* * * * *

[307] Q Mr. Sheeran, could you turn to Exhibit 4, which was introduced at your prior deposition?

A Yes.

Q Did you prepare this outline?

A Yes, I did.

Q This outline was for which conference?

A This was fo essentially the first conference, the one on November 17 or 18, or whenever in November it was, and also to be used in the combination, as part of the program for the combination projects as to prevention on the second and third of December.

Q In point 3 on that exhibit, could you just explain what is meant by your one sentence? What did you mean by joint efforts between church and Federal Government?

A I was addressing the issue of promoting chastity, as the legislation called for, and I wanted it to point out that the churches, traditionally, had been involved in this [308] area, and the Government was now getting into it, and that while the churches had not been successful, there wasn't going to be any big guarantee that the Federal Government was going to be successful, and perhaps by jointly working from the same place, it was worth a chance to see if it could work.

Q Turning to point 11, on the next page, I have just a couple of questions.

Were any specific guidelines given to explain the subject matter of point 11 to the grantees, or was this it?

MR. HIRT: You mean something physically given, or orally?

MS. BENSHOOF: Physically or orally, at the orientation conference.

MR. HIRT: Other than what is said here?

MS. BENSHOOF: Yes.

THE WITNESS: Essentially not. this was a summary. This I regarded as a talking point. Nothing was given over and above, beyond what was contained in my talk.

BY MS. BENSHOOF:

Q When you stated in point 11 that you may not use these funds "to teach or promote religious or moral teachings," what did you mean by moral teachings?

A Specifically dogmatic, Biblical, moralistic points [309] of view that had a theological base, the promoting of theological moral issues in terms of dos and donts from a commandment point of view.

Q What religious teachings on the issue are a normal—and I am using that in quotes—part of Sunday School, religious education, or CCD classes, as referred to in your first paragraph in number 11?

A I had personally interpreted the legislation, while waiting for a policy in that matter. I personally interpreted the situation rather conservatively to give grantees guidance on what not to do, and how to keep out of trouble, and to ensure that they would not use funds obtained from us for teaching of the normal courses that, say, for example, Catholics have taught for years in parochial schools or confraternity of Christian doctrine programs, or what Protestant churches traditionally teach in Sunday Schools.

Q So that by the first paragraph you meant that the programs could not teach the kinds of teachings that would have been "a normal part of Sunday School religious orientation or CCD classes"?

A Yes, I didn't want them to use the money to teach what they normally teach as a part of the regular religious ongoing program.

[310] Q You said, in the second paragraph, "prevention courses, however, may be based on, or related to these principles, but the teaching or promotion of the principles themselves with funds from Title 20 is not permitted."

What do you mean by that paragraph?

A Broadly speaking, I find it hard to find any kind of educational or value type of program that doesn't have some kind of basic religious or ethical foundation, and while a sex education class may be completely separate from a religious class, it might relate back to it in terms of principles that are embedded philosophically or theologically or religiously in another discipline.

What they may try to promote from sex education may have emanated from some principle founded way back in some religion, without naming a particular one.

Q You phrased this that you personally thought.

Was any policy ever issued by HHS regarding the guidelines set forward in paragraph 11 which we have been discussing?

A Never.

Q Did you discuss your interpretations with anyone before writing these two paragraphs?

A I raised these issues and several others as matters [311] requiring policy decisions, and I discussed this as one of several points of view to be considered by the Director, and requested guidance.

In the absence of guidance, I was forced, on my own, to use this as a guideline in dealing with the grantees.

Q Did you seek advice from anyone else on writing these two paragraphs?

A Yes, with the people on my staff, the program people.

Q But no one else in a supervisory capacity?

A Oh, yes, I had gone to Mrs. Mecklenburg and Mr. Peterson with this outline, and requested guidance in regard to several aspects, together with several other issues, but I was not given any guidance.

Q This outline was passed out at the orientation conferences, is that right?

A I don't believe so. I think I used this as my own guide.

Q As a discussion leader?

A As a discussion leader, yes.

Q Did the question ever arise at the orientation session, when you were a discussion leader, as to whether prevention courses be held in church facilities?

A I do not recall that the question of holding the [312] courses in church facilities ever arose. It may have.

Q Did the question ever come up, either by the recipients themselves, or was it raised by the discussion leaders, about the situation where Title 20 recipients, parents and teenagers, bring up religious issues themselves?

A Oh, yes.

Q Could you describe in your answer the discussions?

A Well, the discussions, by and large, centered around abortion, family planning, birth control and how these matters could be resolved or addressed within the context of the prevention program.

Q My question was, how did the conference address the situation where recipients brought up religious issues in relation to the program. Could you answer that?

A The main religious issue was, I guess, centered on abortion. And I think I testified previously, our approach was do not be able to spell the word. Forget it. This was the approach I took. Don't get involved with it one way or another, for your own safety.

Q So the grantees were instructed not to say negative or positive things about abortion, is that it?

A Yes.

MR. HIRT: I don't think the proper thing was [313] instructed.

THE WITNESS: We encouraged them not to address it one way or another.

BY MS. BENSHOOF:

Q You answered my question about religious issues by raising the abortion issue. Did you consider this to be a religious issue?

A In some ways, yes.

Q Explain.

A Well, in the discussions that we had, or in the orientation meetings, we had groups representing various religious denominations.

Q Which ones?

A Catholic Charities of Arlington, Virginia. Catholic Social Services of Detroit, and Brigham Young University were in the first meeting. The issues of abortion, from a moral point of view, did arise, and how it should be addressed and handled in an education program was of concern, and there was considerable discussion as to whether it should be ignored, or whether it should be dealt with as a topic, or what one should do when the issue came up, as to what values could or should be attached to it.

The general feeling among these groups was that if it [314] was raised by a participant, whether it be a teenager or a parent, it should be addressed, but no religious or moral value should be attached to it.

The general feeling seemed to be for any moralistic or religious implications on abortion, the questioner should be encouraged to go back to his or her family and resolve that in a family environment.

Q Did the participants at the conference make comments to you that they believed it was a religious issue?

A Oh, yes.

Q Did they agree with one another on the religious position of abortion?

MR. HIRT: Who is "they"?

MS. BENSHOOF: The three he mentioned.

MR. HIRT: Did all three express agreement on the issue as to whether it is a religious issue, the abortion?

MS. BENSHOOF: I am asking whether, theologically speaking, they agreed on the question of abortion.

THE WITNESS: I don't know whether they agreed theologically on all aspects of it. In general, they all

seemed to have a general belief of unanimity that abortion was wrong.

BY MS. BENSHOOF:

[315] Q In a religious sense?

A In a religious sense, but the—in the approaches of how to deal with it, they seemed to be more together. They identified with each other on how they would deal with the subject if it arose, and felt they would refer it back to the family.

Q Were any Jewish organizations represented among those successful grantees attending the orientation processes, conferences?

A I don't believe we had any Jewish grantees, per se, although some Jewish organizations were part of a network, or part of networks that constituted some grantees.

* * * * *

[320] Q I would like to call your attention to number 9, on Plaintiff's Exhibit 4, which we have been discussing, your recommendation on abortion.

Do you feel that your recommendation contained in number 9, which you stated was that you believed was a conservative approach, inhibits the free speech of grantees and recipients?

MR. HIRT: I object. He said it is guidance to them. It is not instructional.

I will let him answer, though.

THE WITNESS: As I look at it now, yes, I do.

BY MS. BENSHOOF:

Q How?

A Well, essentially, if I tell them this, that they cannot discuss abortion, pro or con, I am in a way impeding [321] their freedom of speech, but on the other hand, as I look at this, I regard the legislation as prohibiting the discussion on abortion, and if they had willingly applied for funds, they knew what the rules were going to be, and as I understand it, the person with the gold makes the rules.

Q In other words, your testimony is that it is the legislation that inhibits free speech, not your guidelines?

A That is the way I thought, and that is the way I see it now.

* * * * *

[323] Q So this Programmatic Expectation was used at the second and third orientation sessions?

A I think it was used at all of them. We oriented all of them on the number of grantees funded and how to get our programs started and management involved. All of that was part of the program shared with all of the participants at all three meetings.

Q I would like to direct your attention to page 2 of this exhibit under "Do's and Don'ts." Number "e." states "use the family/churches/professionals."

What does this mean? is this "do," or "don't"?

A It is a "do." Essentially what is meant by that heading is to encourage grantees to get the community involved. I think the legislation, if I can remember it correctly, talked about the importance of community [324] involvement and getting professionals and the family and churches, and this was something that we wanted to encourage the grantees to do in order to get the support necessary to get the programs off the ground and hopefully to give them the prestige necessary to make them successful.

Q Did you point out to the grantees how the Act specified involving churches?

A Yes, to the extent that having support from ministers and clergy in general would seem, or it seemed to us to be an important way of having the program accepted.

Q That is not my question. My question is did you take the legislation, the statute itself and in going through the "do's" and don'ts" point out in the legislation itself how or where church involvement was specified or encouraged?

A No, I did not.

Q You said use the family churches and professionals. In what capacity?

A In an advisory capacity to, first of all, let them know that the grantee had received funds for a particular program, be it Care or Prevention or both, to brief them on the ingredients of the program, to elicit their support and to advise them on how the program can best meet [325] the needs of that particular community.

Q Is there any particular reason why you use the word "churches" and did not include synagogues?

A No. I intended to lump all churches and synagogues together.

Q It is a generic term?

A Yes.

Q Mr. Sheeran, I'll show you a copy of the legislation itself, and in particular a section discussed, "What Grant Applications Have to Include." Are you familiar with point (b) of the grant requirement section which discusses involving a description of how the grantee will involve churches?

A Yes.

Q Was this requirement one of the factors or the factor causing you to write section (e) of Plaintiffs' Exhibit 17?

A Yes.

* * * * *

[330] Q Who made the ultimate decision for continuation grants for 1983?

A Mrs. Mecklenburg and Mr. Peterson.

Q Was there any monitoring or discussion of the religious content of the program prior to the making of the continuation grant?

A None.

MR. HIRT: Was it monitoring or discussion?

BY MS. BENSHOOF:

Q Was there any discussion of the religious content of any of the programs prior to the making of the continuation grants?

A No.

* * * * *

[337] Q Earlier you termed this as "erroneously put in the grant application." Describe what you mean by the word erroneously?

A What they have told me; that they unintentionally put in 12 months because they thought from previous experience that you had to reapply every 12 months and they didn't realize they could have put down 60 months, or 36.

Most of the people put in 30 or 36. They felt that the body of the text was sufficient evidence to indicate their intentions to pursue funds in the future years.

Q Were you the project officer for this grant?

A Yes, I was.

Q Did you believe that the grant application reflected an intention to have continued funding for more than one year?

A Yes, I did.

Q You stated that they then reapplied as a new grantee for 1983, is that correct?

A Yes.

Q They were the only applicant for the State of Arkansas, is that correct?

[338] A Yes.

Q Were the 1983 applicants for grants scored?

A Yes.

Q Was the raw score or standardized score method used for the 1983 grantees?

MR. HIRT: Objection. Which one are you asking for?

MS. BENSHOOF: For the new ones. They applied as a new grantee. And I asked were they scored, and he said yes. And I said which scoring method was used, raw or standardized.

MR. HIRT: Okay, fine.

THE WITNESS: Raw score.

BY MS. BENSHOOF:

Q Did they have a higher score than some of those funded?

A Yes, they did.

Q Who was the project officer for the grant?

A I was last year during the first year of the program.

Q Had you a site visit prior to the time they came up for their new grant application?

A Yes, I had.

[339] Q Did you make a site report?

A Yes, I did.

Q Did you find that the project was making progress?

A Yes.

Q Did you write a favorable site visit report?

A Yes.

Q Did other people find this to be a successful project?

MR. HIRT: What do you mean, participants?

BY MS. BENSHOOF:

Q In the process of making a site visit and report on projects, you discussed the project with various people?

A Yes.

Q In this particular instance, who did you discuss the project with, and what were their comments to you?

MR. HIRT: I'll let him answer the first question first.

THE WITNESS: I discussed the project with a number of people at the University.

BY MS. BENSHOOF:

Q Of Arkansas?

A Yes—in various capacities and some people in [340] the community, and, of course, with staff after I had returned. And I had a number of favorable letters concerning the project.

I was told the project was one of a few, was the only one I believe in Arkansas, the only federally funded project in

health in Arkansas that had received the State Award for Excellence.

Q How many other projects did you make site visit reports on?

A Some 17.

Q Is it your opinion that the University of Arkansas project was one of the most outstanding?

MR. HIRT: I'll object on the basis of relevance. How does the University of Arkansas have any relevance? It is not identified as a religious or unreligious grantee.

MS. BENSHOOF: I'm laying a foundation for the funding of this project.

BY MS. BENSHOOF:

Q In you experience how would you rate the project run by the University of Arkansas?

A In relation to other prevention projects, that is, I would say that it was well run; and as far as I was [341] concerned, was meeting the requirements of the law, and it was a project that focused primarily on teaching teachers or providing teachers with the training necessary to conduct prevention programs in local schools. It had in it all the safeguards necessary in terms of local committees that review curricula materials that would be used and had provided access to parents, had provided parents access to these materials so that they could see them beforehand and decide whether to allow their children to participate or not.

Q Was this project one of the projects that you had originally recommended to be funded?

A Yes.

Q Was one basis for this recommendation the fact that Arkansas has the third highest teenage pregnancy rate in the country?

A Yes.

MS. BENSHOOF: I'll ask the reporter to mark Sheeran Exhibit 18.

(Sheeran Exhibit 18 was marked for identification.)

BY MS. BENSHOOF:

Q I show you Sheeran Exhibit No. 18 for [342] identification. Have you ever seen this document dated June 16, 1983, labeled "A Formal Complaint"–

A Yes, I have.

Q Let me finish my sentence–"Formal Complaint to Margaret Heckler Regarding the University of Arkansas Program"?

A Yes.

Q When did you first see this complaint?

A Back in June of 1983.

Q Who gave you this complaint?

A I'm not sure exactly whether it came to me directly or Mrs. Mecklenburg, but it did arrive in my office.

Q Did you have a discussion with Mrs. Mecklenburg about this complaint?

A Yes, I did.

Q What was the substance of that discussion?

A As to whether this was really a lawsuit or not. She was of the opinion that this was a lawsuit and I was of the opinion that it was not, and that was the end of the discussion.

Q Did she recommend that you take any further action in regard to this complaint?

[343] A No.

Q Do you know whether or not any lawyers were consulted in regard to this complaint?

A I have no idea.

Q Do you know whether or not anyone else within your office was asked to respond to this?

A No.

Q Are you personally aware of any other complaints from people in Arkansas about the program at the Univer-

sity of Arkansas directed to either Mrs. Mecklenburg or H.A. Jess?

A Yes.

Q Letters or complaints?

A Yes.

Q Describe what letters or other complaints you are aware of?

A We received, and I'll make it clear that I received some letters. Mrs. Mecklenburg received others. Some of us received letters from the same people, four or five individuals, mostly in Arkansas, from the State of Arkansas, although there was one from Texas, I believe, complaining about the programs, mostly the sex education program that was conducted by the University of Arkansas.

[344] The complaints seemed to center around the fact that the curricula used by the University of Arkansas had been developed by Planned Parenthood of Memphis, Tennessee, and therefore was immoral and was not in accordance with the Title XX legislation.

These people asked, or wrote several letters asking that the University of Arkansas be defunded, and that their tax dollars not be used for the teaching of immoral or—immoral or God-less type of programs that were destined, ultimately, to distort the morals of young people in the State of Arkansas. There were about four or five mostly from the State of Arkansas.

At the same time we did receive numerous letters from other folks in the State of Arkansas, mostly teachers and social workers and parents, and some politicians, extolling the program and talking about the necessity for it.

Q Did the letters complaining about the program specifically complain that the program was without religious content?

MR. HIRT: Did they so state in those words?

BY MS. BENSHOOF:

Q Did they use words—you used the word "God-less" in your testimony. Did these letters specifically [345] complain about the lack of religious content in the University of Arkansas program?

A Mostly the letters address the use of the curriculum, because it was developed by Planned Parenthood—regardless of how good it might be, it was still a sham and included other things in it which was, they felt, a way of getting to their children, and children would be the worse because of participating in such a program.

Q Was it your understanding that these people felt the curriculum violated their religious beliefs?

A Yes.

Q Did you originally approve this curriculum in making the grant recommendation in 1982?

A Yes. I did not approve the curriculum, but I pointed out that the grant application did contain this curriculum. I pointed out it had been developed with Title X of the Public Service Act funds and that Mrs. Mecklenburg was aware of it, because of the fact that I had pointed out what was developed by Planned Parenthood of Memphis was funded from funds of another department or another agency of the Department of Health and Human Services. I had recommended because of that it was acceptable curriculum.

[346] Q You stated that there were these letters complaining on certain grounds about this program. Did you turn those letters over to the Department of Justice in response to the subpoena in this lawsuit?

A No, I did not.

Q Are they under your possession or control?

A Yes, the whole file in the State of Arkansas is in my control.

Q So that those letters are still in the State of Arkansas file in HSS?

A They should be.

Q Did you give copies of all the letters to Mrs. Mecklenburg?

A Yes, I did.

Q Did she respond to them, or did you?

A I responded to all that I received, or nearly all. Perhaps there was one or two that I didn't. I cannot say as to whether she responded to all. I know she did respond to some.

Q Why do you think that the University of Arkansas project was not funded in 1983?

MR. HIRT: You mean in his personal opinion?

MS. BENSHOOF: Yes.

[347] MR. HIRT: I'll object, but I'll let him answer.

THE WITNESS: I honestly believed that they weren't funded in '83 because I think our office caved in to the pressure from a few people who had not only written us and raised so much controversy about it, but also had written to a number of Members of Congress about the same problem, and that it would be both embarrassing to Congress, certain Members of Congress, and to our office if we continued to fund a project that used these types of materials.

Q When you say these types of materials, you are referring to the materials that did not contain the ethical or religious or moral values that the people seemed to demand?

MR. HIRT: Objection. That wasn't his testimony. It was not that the materials lacked religious content.

BY MS. BENSHOOF:

Q You testified it was your understanding that the curriculum violated their religious beliefs?

MR. HIRT: His testimony was that he believed that it did.

[348] MS. BENSHOOF: All right.

Mark this as Sheeran Exhibit 19.

(Sheeran Exhibit 19 was marked for identification.)

BY MS. BENSHOOF:

Q Are you familiar with this letter?

A Yes.

Q Was a copy given to you?

A No.

Q How are you familiar with it?

A I'm familiar with it because Mr. Underwood had told me that it had not been funded and that he had written to them, or was writing to them to tell them that they had not been funded.

Q I would like you to read the last sentence in the second paragraph, and you tell me whether that is true.

A "The reviewers did not score your application high enough to permit funding with the limited funds that we had available."

Q Is that true?

MR. HIRT: I don't think you laid a foundation as to whether that is true or not. Director Mecklenburg and Deputy Director Peterson made the decision.

[349] MS. BENSHOOF: Score. We are talking about score, objective. He said he gave them a score or that he they had a score.

MR. HIRT: If he knows. I don't think he said that.

BY MS. BENSHOOF:

Q They were given a score, is that correct?

A Yes.

Q A high score?

A Yes.

Q Is the sentence you just read a truthful sentence?

A No.

MS. BENSHOOF: I would like to mark this as Plaintiffs' Exhibit 20.

(Sheeran Exhibit 20 was marked for identification.)

BY MS. BENSHOOF:

Q Are you familiar with that letter?

A No, I don't think I've ever seen this letter. There is no date. I may have, but if I have it is in my file in Arkansas.

Q Based on the content of the letter would you [350] expect that it would be in the file in Arkansas, in the Arkansas file?

A Yes.

Q Okay. Thank you.

After the 1983 continuation grants were made and the new awards were made in 1983, was there any leftover money in the budget?

A In 1983?

Q Yes.

A This has nothing to do with the University of Arkansas?

Q No, we are off that.

A Yes.

Q Who was this money given to?

A Some of it wasn't given to anybody. It just went back into the general fund as I understand it.

Q How much are we talking about?

A Couple hundred thousand dollars.

Q We are talking about a couple hundred thousand dollars left over. What happened to this money?

A It went back into the Treasury of the United States, as I understand it.

Q Were any additional awards made to grantees?

[351] A No. There was some money apart from that left over which I understand was given to some grantees, given to a few grantees.

Q What money are you now talking about?

A As best as I can recollect, there was some money left over, some money left over from the continuations and the

new grants that were made. And as I understand it, they were uncertain how much they had left.

They thought they had less than they actually had. They had 200,000 left over that they never did give out, but what they had left over in between, some grantees were given extra money just to spend it up just in the hope they could get it all appropriated or get it awarded before September 30, '83.

Q What grantees were given this extra money?

A As I understand it, St. Ann's in Hyattsville was one, Hyattsville, Maryland. I believe Bringham Young, and there were several others. I had gotten the list a day afterwards and on the side of my page I put down pluses and minuses. Minuses indicated those that have been cut, and the pluses those that got additional money. I can't remember.

Q You mentioned St. Ann's and Brigham Young. Do you know what amount was given to the groups?

[352] A I can't remember Bringham Young, but St. Ann's was 30,000 or 35,000.

Q Is there a term for this kind of money? Is it called "sweep up" money?

A I never heard the term used myself. I am not exactly sure of what it means. I don't know.

Q Did St. Ann's or Brigham Young ask for this additional money?

A Not as far as I know. They were in the first column of grantees that I described earlier. They came in with no problems or no additional funds. I have to say no, they were not.

Q They did not request any additional funds?

A That is correct.

Q Who decided to give this extra money to those two grantees and the others?

A I guess Mr. Peterson and Mrs. Mecklenburg.

Q Are you aware of any criteria that was used to award this extra money?

A No.

Q Are you aware of any reaction from Brigham Young or St. Ann's upon their receiving this money?

A Yes.

[353] Q Are you aware of any reaction on the part of St. Ann's?

A Yes, I am.

Q Describe the reaction you are aware of from St. Ann's upon receiving this extra $35,000?

A They came into our office and asked why they received this additional amount of money, and said frankly they didn't know what to do with it, they didn't know how they could spend it.

Q Who came in your office and said they didn't know what to do with the money?

A A sister or nun; I can't remember her name.

Q Who did she say this to?

A Barbara Rosengard and Donald Underwood.

Q Do you know how HHS reacted to her questions, in surprise?

A I really don't know.

Q Do you consider it unusual that they gave money to programs that had not requested it without opening up the application process to all grantees or to new ones?

A Yes, I do.

Q It is your testimony, isn't it, that no guidelines were issued as to what to do with this left-over money?

[354] MR. HIRT: He testified he didn't know what criteria were used.

BY MS. BENSHOOF:

Q Were you given any guidelines as to people who received the extra money as to what to do with the money?

A Not as far as I know.

Q Do you know whether or not Sister Betty Ann—is that it?

A That name is familiar, yes.

Q Do you know whether or not Sister Betty Ann received an answer as to what she should do with the money?

A I don't know whether she received an answer or not.

Q Do you know whether or not Bringham Young University received any guidelines as to what to do with the extra money?

A I do not know.

Q Do you have any personal opinion as to why some particular grantees were given unasked for left-over money?

MR. HIRT: I object. Since he doesn't know what criteria were used, how could he give an opinion?

[355] BY MS. BENSHOOF:

Q You said objective criteria. Do you know any non-objective criteria that were used?

A No.

Q Do you have any opinion as to that?

MR. HIRT: Objection.

THE WITNESS:No, I don't.

BY MS. BENSHOOF:

Q It was your understanding this was a decision made solely by Mr. Peterson and Mrs. Mecklenburg?

A Yes.

Q The regular evaluation people like yourself were not involved in the process of distributing the extra money?

A We were not.

Q Do you have any understanding as to why they picked those particular programs?

A No.

* * * * *

[360] Q Why wasn't Family of Americas funded in '82?

A It received a very low score. It wasn't even under consideration for funding.

Q Mr. Sheeran, I would like to direct your attention to the first page of Exhibit 22.

(Sheeran Exhibit 22 was marked for identification.)

BY MS. BENSHOOF:

Q Refer to Paragraph No. 2, which is a document [361] discussing the Family of Americas Foundation issued by the Office of Population Affairs. Paragraph No. 2 states: "The outside reviewers which we utilized applied the criteria stipulated in the RFA and determined that the application was one of the most meritorious submitted."

Mr. Sheeran, you just testified that in 1982 they received a very low score and their program had not changed in 1983. Could you explain paragraph 2 of the first page of Exhibit 22?

MR. HIRT: He testified it had not changed significantly.

THE WITNESS: I would be guessing, and I would be speculating to begin to interpret what it means.

BY MS. BENSHOOF:

Q Does it surprise you?

A Yes.

Q Do you know who prepared this?

A No.

Q But it was someone from the Office of Population Affairs?

A I have no idea. I have never seen it before.

Q Do you know whether or not the video tapes which Family of Americas said would be used in their programs [362] were previewed before the national grant was awarded to them in 1983?

A No, I do not know.

Q Was the religious content of the Family of Americas program ever discussed at HHS to your knowledge?

MR. HIRT: Objection. There has been no foundation laid that it has any such religious content.

BY MS. BENSHOOF:

Q Was it religious involvement?

MR. HIRT: Same objection. The only involvement I'm aware of is that Ms. Wilson has written to the Pope.

MS. BENSHOOF: Shall we put in all 500 exhibits from FHF?

(Discussion off the record.)

MS. BENSHOOF: I would like to have this document marked Sheeran Exhibit 23.

(Sheeran Exhibit 23 was marked for identification.)

BY MS. BENSHOOF:

Q Mr. Sheeran, I'm showing you a document marked Sheeran Exhibit 23, which is a list of activities, 1983 activities proposed as ongoing and current of the Family of Americas.

[363] Could you read the seventh paragraph of this document for the record?

A "Providing continuous communication on all our national and international activities with the newly founded Pontifical Council for the Family at the Vatican."

Q Were you aware that Family of Americas was involved with the Vatican?

A Yes.

Q Do you consider the Vatican religious?

MR. HIRT: Foundation.

BY MS. BENSHOOF:

Q Is the Pope Catholic?

A Yes.

Q Is the Vatican religious?

A Yes.

Q Do you consider this religious involvement?

A Yes.

Q Was the religious involvement of Family Foundations discussed at HHS prior to their grant award in 1983?

A I don't know what was formally discussed. I have no idea what was discussed in the decision-making process. Informally there were several discussions about who they [364] were and what they were doing.

Q When you say informal discussions, are you referring to discussions about the religious content?

A No, I'm just talking about discussions with lower staff members like myself who were not involved in the decision-making process.

Q Could you describe those discussions?

A We were aware and have been aware for years of the activities of Family of Americas when it was previously called Womb USA, and the promotion of fertility awareness, in particular family planning, and their involvement particularly with the Catholic Church, and the reference to secure funding both nationally and internationally for a particular method of family planning and the education of people in this method.

There was some concern that the application was just a continuation of the same thing, the promotion of the Billings Method of family planning and its promotion primarily to, I think they call it Fertility Awareness for Parents and Adolescents. And they would be aware of bodily functioning and be convinced to use it as a more healthy, moral-type of approach. That was the concern.

Q Was there a concern that the Billings Method [365] of Ovulation involved also in the teaching of religious doctrine?

MR. HIRT: Objection. There is no foundation.

MS. BENSHOOF: I would like to mark this as Exhibit 24.

(Sheeran Exhibit 24 was marked for identification.)

BY MS. BENSHOOF:

Q Mr. Sheeran, I'm showing you something marked as Sheeran Exhibit 24, which is a page from the grant application of the Family of Americas Foundation. I'm referring to the statement in the—second sentence which states: "It is not only a method of birth regulation but also a philosophy of procreation and an orientation to sexual freedom and responsibility."

Do you know what that sentence means?

A I think I do.

Q Could you tell me?

A Well—

MR. HIRT: What it means to him as opposed to the writer of it?

MS. BENSHOOF: This is a grant application.

MR. HIRT: Yes, but he can give only his own [366] personal opinion as to what it means to him as opposed to the author?

A I know what it means to me. It says essentially that the Billings Method is not only birth control, but—the big thing is what comes after the but—the philosophy of procreation. That philosophy is that sexual activity is to be engaged in primarily for purposes of causing pregnancy or procreating, creating on behalf of God is the essential meaning behind procreation. Theologically that is what it means. That is what it means to me. So it is a philosophy.

Q It is a religious philosophy?

A Yes.

Q You stated earlier you had training as a priest?

A Yes.

Q Were you ever trained about the Billings Method and the philosophy of procreation?

MR. HIRT: It is a compound question. Let him answer. I'm tired of objecting to compound questions.

THE WITNESS: The Billings question came after my time. As a priest in the Billings Method on the philosophy of procreation, yes.

[367] MS. BENSHOOF:

Q Are you aware of any public official such as a Senator or Representative that contacted HHS on behalf of Family of Americas?

A Yes.

Q In regard to their grant?

A Yes.

Q Who?

A I cannot remember exactly, but I do remember that there was, that they received, that letters came from Members of Congress on behalf of Family of Americas recommending favorable consideration of their grant application.

Q Would one of these letters have come from Senator Denton?

A Could be.

Q To whom were these letters addressed?

A I can't remember.

Q Would the letters be in the Family of Americas' records, or in the correspondence file of Heckler or Mecklenburg?

A They should be in both.

Q That would be the common business practice of the agency?

[368] A Yes.

Q Do you know if these letters were responded to?

A I don't know.

Q You stated you had discussions about Family of Americas' philosphy with other officials, with other HSS officials. Did they share your same understanding?

MR. HIRT: Understanding of what? What the grant application meant?

MS. BENSHOOF: Yes.

THE WITNESS: I think generically they did. On a broader of view, I tended, because of my background, to be more analytical of the philosophy.

MS. BENSHOOF: Here is a 2-page exhibit. Please mark it Exhibit 25 for identification. (Sheeran Exhibit 25 was marked for identification.)

BY MS. BENSHOOF:

Q Mr. Sheeran, I'm showing you an exhibit marked Sheeran Exhibit 25, which consists of two letters, one from the Tennessee Family Office and one from Coastal Bend Council of Governments, both concerning the fact that these governmental agencies would not approve or recommend funding [369] of the Family of Americas Foundation.

Are you familiar with these two letters?

A No, I'm not. Ruth Sanchez Dirks and Don Underwood.

Q Is it unusual to fund an application that gets disapproved by their local, that has two refusals to recommend from local governmental agencies?

A It is somewhat unusual. It is sometimes done and sometimes not.

Q Mr. Sheeran, in your previous testimony you stated that you called some grantees and spent a few minutes on the phone with them, and asked them for assurances about not having religious content in their programs.

Am I characterizing your previous testimony correctly?

A Yes.

Q Do you know whether this was done with the Family of Americas Foundation?

A I would not.

Q Who would be the person who would know that answer?

A Ultimately Mrs. Mecklenburg, Mr. Peterson, or Ruth Sanchez Dirks.

[370] Q Mr. Sheeran, I would now like to direct your attention to site visits.

Did you do site visits on Title X grantees?

A Yes.
Q How many site visits did you make?
A Seventeen, approximately.
Q Were these 17 different grantees?
A Yes.
Q So that you made a site visit to 17 different grantees funded under Title XX?
A Yes.
Q Were these grantees funded in '82 or '83?
A All were funded in 1982. All but one were funded in '83.

* * * * *

[381] MS. BENSHOOF: As Exhibit 28, I would like this document marked, the typed and handwritten copy of the Catholic Charities site visit.

(The document referred to was marked Sheeran Exhibit No. 28 for identification.)

BY MS. BENSHOOF:

Q I am showing you Plaintiff Exhibit 28, which is a typed copy and a handwritten copy of your site report to the Catholic Charities of Arlington, Virginia. It is our understanding that you will examine these two documents to see that they conform to one another; is that your understanding?

A Yes.

[382] MR. HIRT: The typewritten copy is prepared by plaintiff's counsel to ease the ability to read the handwritten copy.

BY MS. BENSHOOF:

Q If you could take a look at your handwritten one, what are the typed portions from?

A The typed portions are from—let me go back. Before I went out on a site visit I sent out a letter to each. It was the same format to each grantee. It listed 14 or 16 items that I would be looking at. Many of them before I got there had a chance to type the answers and what we

have got here is the typed portion. What is the status of the project? That is one of the questions and they typed in the responses. I have taken that page and rewrote it. It was easier to read my handwriting.

Q The typed portion was typed by people in the project and the handwritten part written by you?

A Yes.

Q Could you just read for the record the paragraph of this exhibit that I am pointing out to you and then state whether or not this is one of the portions that the project itself prepared?

A Families attend a course together. The title of [383] it is Parents and Teens Together. Families attend the course together. Presentation (By Pastor) on Community and Religious Values Relating to Sexuality. This answers questions raised by parents and teens and involves them in a dialogue.

Q That was prepared by the people at Catholic Charities about their program?

A Yes.

Q Look at Exhibit 29, which is an outline of Program and Curricula of Catholic Charities. Have you ever seen this curriculum?

(The document referred to was marked Sheeran Exhibit No. 29 for identification.)

THE WITNESS: No, I have not.

MS. BENSHOOF: Could you please turn to page 5, up above at 245, it is called Section 4, February 22, 1983.

(The document previously marked Sheeran Exhibit No. 29 for identification was withdrawn.)

MS. BENSHOOF: Mark this document 29.

[384] (The document referred to was marked Sheeran Exhibit No. 29 for identification.)

BY MS. BENSHOOF:

Q Mr. Sheeran, I am showing you a curriculum from Good Shepherd dated Janurary 18, 1983. Have you ever seen this curriculum?

A No.

Q Could you turn to page 5, labeled Section 4?

A Yes.

Q Could you read for the record and subheadings under Discussion Questions?

A "Discussion Questions-Parents"

"What are you telling—"

Q Above that.

A "7:30-Father Creedon lectures on values of the Church and community. Parents discuss how Catholic values fit into their lives.

"What are you telling your teens about premarital sex? morality? consequences?

"Does this fit with presentation given by Fr. Creedon?

"Do you think the Church gives you the help and [385] support you need?

"How could the Church be more helpful?

"Are you comfortable explaining your values to your children?"

Q Go on.

A "RE: Sex

"What are your parents' ideas about premarital sex?

"Are they telling you? Do you just know how they feel?

"What part does religion play in your making decisions about sexual matters?

"Do you get enough guidance from your Church about sexual behavior?"

Q You did not approve this curriculum; is that correct?

A That is correct.

MS. BENSHOOF: Would you please mark this as 30?

(The document referred to was marked Sheeran Exhibit No. 30 for identification.)

BY MS. BENSHOOF:

Q Mr. Sheeran, have you ever approved the two [386] curriculums put into evidence here as Plaintiff's Exhibit 30?

A No.

Q Have you ever seen them?

A No.

Q Could you look at the bottom of the second page where it says "Program to be Planned, By St. Anthony's Advisory Group"?

A Bottom of the page?

Q Here (indicating).

A Thank you.

Q Do you know what it means?

A I have no idea.

Q Okay.

So it would be correct to state, would it not, that you did not see specific curriculum for the programs taught in the Catholic Charities Prevention Program?

A I did not.

Q Is that true of other programs?

MR. HIRT: Is it what?

BY MS. BENSHOOF:

Q True of other programs, of specific curriculums? Of other grantees' programs? That is that he did not see [387] specific curriculums of other grantees' programs?

A I had not seen most of the other prevention grantees curricula.

Q Mr. Sheeran, you did a site visit to SEMO?

A Yes.

MS. BENSHOOF: I would like to put in a typed and handwritten copy of the site visit report by Mr. Sheeran to SEMO Association.

(The document referred to was marked Sheeran Exhibit No. 31 for identification.)

BY MS. BENSHOOF: I have a question about page 1 of your site report. You state here literature is conservative. What do you mean by that?

A This one?

Q No, we used our typed copy.

A Okay.

Q If it is different in your handwriting, tell us.

A They gave me copies of some of the materials that they had or that they had been using with explanations from the Director and Larry Campbell and some staff members with whom I talked, that the literature was not the—or did not include some of the more fanciful sexual oriented type of [388] materials that some agencies have been accused of using and that they had developed this very carefully with input from and approval by people from the local community who tend to be very conservative.

Q Were you aware whether approval had been given by Fundamentalist Churches?

A Yes.

Q You were aware?

A Yes.

Q And yes, approval was given by Fundamentalist Churches?

A Yes.

Q How was approval obtained from the Fundamentalist Churches?

A As I remember, from what they told me, that they had their Outreach workers and some of the professional staff contact local pastors or religious leaders and explain to them the nature of what they were trying to do and how they would look at what they wanted to present would reflect the mores of that particular community, it appears to me that what they were trying to do is to teach parents how to become the sex educators of the children and to get parents really involved and committed to it, they felt that the [389] pastor's approval was one way of enticing parents to participate.

Q When you said the materials reflected the community mores, does that include the religious mores?

A Yes.

MS. BENSHOOF: Could you mark this as Plaintiff's Exhibit 32?

(The document referred to was marked Sheeran Exhibit No. 32 for identification.)

BY MS. BENSHOOF:

Q Are you familiar with this letter dated October 19, 1983 to marked as Sheeran Exhibit 32?

A Yes.

Q Do you know who this letter was from?

A I am pretty sure it is from Gary Campbell, the Director.

Q I would like the record to reflect this is a letter from Mr. Campbell and we will find the second page imminently.

MR. HIRT: Okay.

BY MS. BENSHOOF:

Q Mr. Sheeran, the letter states, "Our researchers in St. Louis, Dr. Richard Thurman and Dr. Glenn White, feel that [390] our success in delivering sexuality education through fundamentalist churches, if continued, could result in our becoming a model program for this type of delivery mechanism."

Were you aware that the programs were presented physically at the churches?

MR. HIRT: There is no foundation for that, is there?

BY MS. BENSHOOF:

Q Were you aware where the programs were held in SEMO?

A I thought I was.

Q Where did you think they were held?

A If I remember correctly, they told me they had a number of centers that the agency operated in a number of counties and they had 17 or 00 that number sticks out in

my mind for some reason—where they brought people together in some kind of community center or health-related facility, and it was my understanding that the bulk of the educational programs were held in community centers like that.

Q Is it your testimony, therefore, that you were not aware that any programs were held in fundamentalist churches?

MR. HIRT: Same objection as to foundation.

[391] BY MS. BENSHOOF:

Q You testified that you were told the bulk of the programs were held in community health centers.

Did you know where the rest were held?

A No, I did not.

Q Were you aware whether or not any were held in fundamentalist churches?

A I was not.

Q What does it mean to you, this phrase in this letter to you, "Through fundamentalist churches"?

MR. HIRT: Now or when he read it?

MS. BENSHOOF: Either.

THE WITNESS: I felt at the time that it meant the delivering of educational programs with the blessing of fundamentalist churches. I haven't had the time to consider it to be the delivery of the service in the actual church facilities.

MS. BENSHOOF: What exactly is a blessing?

MR. HIRT: What does he mean by that in the context of the statement?

THE WITNESS: With the encouragement, understanding and approval of the local churches, more than just physically being there.

[392] BY MS. BENSHOOF:

Q Did you also understand that they would be leaders in facilitating setting up the program?

A No, I did not.

MS. BENSHOOF: Off the record.

BY MS. BENSHOOF:

Q Mr. Sheeran, did you do a site report and site visit to the Catholic Family Services of Amarillo, Texas?

A Yes.

MS. BENSHOOF: Mark these as Plaintiff's 33, please.

(The document referred to was marked Sheeran Exhibit No. 33 for identification.)

MS. BENSHOOF: Could you mark this as Sheeran Exhibit 34?

(The document referred to was marked Sheeran Exhibit No. 34 for identification.)

BY MS. BENSHOOF:

Q Mr. Sheeran, we have marked for the record as Plaintiff's Exhibit 33 a copy of the Site Evalution Report you made on Amarillo, Texas, and as Sheeran Exhibit 34, four [393] pages from the Progress Report and Continuation Application from the Catholic Family Services from Amarillo, Texas.

Are you familiar with Plaintiff's Exhibit 34?

A Yes.

Q I would like to direct your attention to the last page of that document which has the number 4023 at the top. This document, as you will see in the listing entitled 223, 32, 316, refers to the fact that the Title XX funded Prevention Programs are taking place in the CCD classes.

Were you aware of this?

A No, I was not.

Q Do you feel that this conflicts with your guidelines presented at the orientation session discussed earlier which stated that such programs should not be given or part of CCD classes?

MR. HIRT: I object. I don't think there is a foundation of what went on during those classes. A one-line description is not a very good description. We don't know what was actually taught in that class or presented?

BY MS. BENSHOOF:

Q Do you feel that based on this Progress Report HHS does not know what went on or was taught?

MR. HIRT: How can he state for the entire HHS? he [394] can answer what he knows.

BY MS. BENSHOOF:

Q You were the program officer in charge of this grantee?

A Yes.

Q Based on this Progress Report and the Continuation Application, would you know whether or not the Title XX programs supplemented or supplanted the CCD classes?

MR. HIRT: Objection. I don't know what supplemented or supplanted means.

Go ahead and answer.

THE WITNESS: I would not know whether the programs offered in the manner stated here were part of, supplanted or added to the CCD program.

BY MS. BENSHOOF:

Q In your site visit to Amarillo, did you visit any program given at a church?

A No, I did not.

Q Did you review any of the materials used by them in their programs?

A If I remember correctly, they showed me some of the materials they used. There were just a few things that I was able to look at just very superficially.

[395] Q Did you find out how participants in the program, for the program, were contacted?

A No, I did not.

Q Catholic Charities of Amarillo, Texas was one of the programs which you had originally recommended not be funded; isn't that correct?

A Yes.

MS. BENSHOOF: Please mark this document No. 35 for identification.

(The document referred to was marked Sheeran Exhibit No. 35 for identification.)

BY MS. BENSHOOF:

Q Mr. Sheeran, I am showing you Plaintiff's Exhibit 35 which is page 1 from the Grant Application of Catholic Family Services of Amarillo, Texas.

Could you just read for the record the Official Mission Statement on page 1 of the Grant Application?

MR. HIRT: Asked and answered. Go ahead.

THE WITNESS: "Catholic Family Services, Inc., like the church of which it is a part, fosters individual freedom and liberty and endeavors to prevent the causes of bondage and oppression; designs and renders services to resolve the [396] poverty and misery of the oppressed; emphasizes the truth of Christ through which a loving God makes Himself available to all persons; draws from their hearts the love and concern that is there for each other."

It is signed O.M. Calhoun.

BY MS. BENSHOOF:

Q Keeping that exhibit in mind, I would like to give you Exhibit 36.

(The document referred to was marked Sheeran Exhibit No. 36 for identification.)

BY MS. BENSHOOF:

Q Have you ever seen this press release which I believe was an appendix to the Progress Report?

A Yes, I have.

Q This press release which was an appendix to the Progress Report for the Grant Program states at the end: "The Adolescent Pregnancy Care and Prevention Program is a welcome addition which will provide new opportunities to carry out the mission of Catholic Family Service."

When you made the site visit, did you or anyone else ask how this mission statement was being carried out?

A No, we did not.

[397] Q Was this ever discussed in your presence by yourself with other HHS officials?

A No.

Q Do you know whether you or anyone else at HSS ever followed up the statements made in this newspaper article about the Adolescent Pregnancy and Prevention Program and its mission in Texas?

A No, I did not. I do not know if anybody else did.

MS. BENSHOOF: Please mark this document Exhibit 37.

(The document referred to was marked Sheeran Exhibit No. 37 for identification.)

BY MS. BENSHOOF:

Q Mr. Sheeran, I have just shown you Plaintiff's Exhibit 37 which I believe was an article appended to the Progress Report of Catholic Family Service.

Have you seen this article?

A I can't remember having seen this one, no.

Q The Progress Report submitted to HHS was one of the factors evaluated in determining whether or not a grant would continue; isn't that correct?

A Yes.

[398] Q I would like to point out the phrase in this article that states, "Catholic Family Service, Inc. of Amarillo has received a quarter million dollar Federal grant, part of which will be used as a home for unwed mothers."

I am skipping five paragraphs—"Because of religious doctrine, Catholic Family Service suggests adoption of babies born to young unwed mothers."

Did you or anyone else at HHS discuss this part of the Progress Report?

A No.

Q Were you aware that the Catholic Family Service of Amarillo was not approved by the Panhandle Health Systems Agency?

A Yes, I recall now that they were not approved.

Q Do you know why?

A No, I have forgotten why. I knew at the time. I had forgotten that was one of the reasons I had not recommended it, too. I had forgotten about it.

BY MS. BENSHOOF: I think that is it.

MR. HIRT: I want to ask him about Exhibit 35.

BY MR. HIRT:

Q I am going to ask you a few questions to clarify certain of your testimony. By way of introduction so the [399] people understand, you have you own attorney, Mr. Rodney Oppman, so he can make objections on your behalf.

I am now exclusively the attorney for HHS. I will be asking you questions and Mr. Oppmann can object to any questions as well as counsel for plaintiffs can object.

Start with Exhibit 35. Take a look at it. Refer to the clipped paragraph and read that. Maybe you should read that paragraph into the report since you read the prior one.

A "Although CFS is associated with the Roman Catholic Church, its policy is to serve all persons in neat regardless of faith. In fact, Catholics make up a relatively small percentage of the population and approximately 80 percent of our clients are non-Catholic."

Q Mr. Sheeran, from looking at that quote which you read as well as the longer quote which Ms. Benshoof had you read, can you form any conclusion as to whether the Catholic Family Service of Amarillo would or would not promote its religious views in its Grant Application?

A No, I can't.

Q You can't form a conclusion one way or another; is that what you are saying?

A Yes.

* * * * *

[488] Q Did Ms. Mecklenburg ever make any inquiries as to the religious nature of any of the programs which sought funding?

MR. HIRT: The programs or the entities?

MS. HUNTER: Programs.

MR. HIRT: By "programs" I assume you mean proposed Title XX programs?

MS. HUNTER: Correct.

MR. HIRT: I just want to be sure the question is clear.

THE WITNESS: Programs. The only one that I can [489] recall is the Catholic Charities of the Diocese of Arlington, which I had previewed myself and presented.

BY MS. HUNTER:

Q At that time was there a discussion of possible religious activities in the Title XX funded program from the Catholic Charities of Arlington?

MR. HIRT: I obviously will let him answer, but I think we are getting back into stuff that has already been fully explained by Mr. Sheeran before the process issue came up.

THE WITNESS: I raised some of the pros and cons of it at the meeting, the concerns I had about the use of Catholic schools to at least conduct a program, some of the materials that they intended to use, and I was concerned about the involvement of CCD, the Confraternity of Christian Doctrine, and the things surrounding that. I was also concerned about the other side of the coin that I pointed out, that their proposal seemed to be rather, perhaps, superambitious. They proposed to do certain things in Catholic schools, and I thought to myself if I know anything about Catholic schools or the pastors, their chances of being able to conduct the program in schools might not be as easy as they had indicated, that the pastors might very well, [490] say that we have been running this thing for a long time, we don't need you – good-bye – so I

pointed that out, as well. Both sides were pointed out to Mrs. Mecklenburg.

BY MS. HUNTER:

Q Was was her response?

A At the time, none. There were no responses. The concerns were there, and some other people chimed in on the concerns, but at this point in time, as I said before, no decisions were being made. This was, as I called it at the time, a futile exercise that we went through, and it was a planning process to demonstrate that we could never arrive at decisions that way, nor conduct the whole internal review process in this way.

Q Were there any concerns raised by Ms. Mecklenburg as to religious activities as to any of the other programs which were discussed at these meetings at this point in the process, other than Catholic Charities of Arlington?

A Not that I can recall.

* * * * *

[495] Q Now, between the time of the meetings that you described that were discontinued prior to September 1, 1982, and the date of the final funding decisions on September 30, 1982, how frequently were you personally in contact with Ms. Mecklenburg concerning the 1982 Title XX grant applications?

A Every day.

Q And approximately how much time every day?

A Sometimes it would be two or three times a day for ten or fifteen minutes, sometimes once a day for a half hour.

Q You testified earlier that at a certain point there was raised the question of religious involvement on the part of certain of the Catholic affiliated organizations which were applying for grants, is that correct?

A Yes.

Q And you had discussions with Ms. Mecklenburg concerning that point, is that correct?

A Yes.

[496] Q Can you tell me when those discussions on that topic began?

A I think they began originally during the process that was discontinued and again during a process that I conducted and eventually in the process that Mr. Peterson conducted in the last week.

Q And what was the content of your discussions with Ms. Mecklenburg on that point?

A The concern I had was, in particular, about Catholic Charities of Arlington, and some of the others, that I felt that there was possibly some indication in the proposals that they intended to use the funds for teaching of Catholic doctrine in either parochial schools or in the Confraternity of Christian Doctrine programs, which is outside of the parachial school system, but intended for young people going to public schools.

Q What was Ms. Mecklenburg's response or what did she say during those conversations?

A Well, she heard me. At one stage she or Mr. Peterson or both handed over the proposal from Catholic Charities of Arlington to Mary Ann Hamilton, who was at that time in our office, for her review of it. Apart from that, her major thing was to tell me to call the Catholics organi[497]zations on the telephone and obtain assurances from them that if they were funded that they would not use the funds from our office to engage in teaching Catholic doctrine in either situation.

* * * * * *

[501] Q What, exactly, did Mr. Peterson ask you to do?

A He asked me to call the Catholic organizations that were high on the list and that were being given serious consideration as far as funding was concerned and he asked me to make sure that I didn't tell them they were being funded, that they were being seriously considered, and that to phrase the question in such a way that if you were

funded would you guarantee that you will not indulge in teaching Catholic doctrine with our funds.

Q Did he ask you to do anything else regarding that point?

A No. He seemed to be satisfied—this was the last couple days prior to the funding decisions and there really wasn't time to do any more than get in touch. I [502] explained to him, I think, what we were concerned about in the proposal and saying now, if you were funded, you are not proposing to do this, are you, with our funds. And he wanted a verbal assurance from me, reported back from me, on what I had found, as soon as possible.

Q Did you have any conversations with Ms. Hamilton concerning this topic?

A I did briefly on the Catholic Charities of Arlington.

Q Was this before or after you made these telephone calls?

A I believe it was before.

Q Who initiated that conversation?

A I cannot remember whether she initiated it or I initiated it.

Q What was her position at that time?

A As I understand it, she was in the offices as an expert consultant dealing with family planning related issues.

Q What was the content of your discussion with her?

A Well, I just remember her having the proposal in her hand as she was walking and encountered me someplace in the hallway, saying that she considered this proposal was proposing to use Catholic religion classes as a mechanism for [503] teaching Catholic doctrine with funds from our organization.

Q Did you ever mention your conversation with Ms. Hamilton to anyone else?

A No.

Q Did you do anything as a result of your conversation with Ms. Hamilton?

A No. I felt that she had reported back directly to Mr. Peterson and Mrs. Mecklenburgh. I didn't know that she had been given the proposal until then, until she told me herself, and I assumed that it was more or less a courtesy discussion with me, rather than expecting me to go back directly.

Q What was it that made you feel she was reporting to Mrs. Mecklenburg or Mr. Peterson?

A I felt that they had given her the assignment to read it and to give an opinion and I felt that was, you know, within their realm of responsibility.

Q Did she indicate that she had been given that assignment? You say you felt that.

A No. She indicated to me that she had been given the proposal for review by Mr. Peterson.

Exhibit 4

Outline for Prevention of Adolescent Pregnancy Program

PREVENTION PROGRAMS

1. Definition – Prevention of adolescent pregnancy through (a) prevention of premarital sexual relations and (b) family planning services including National Family Planning.
2. *Government involvement*: Why? Or is it the business of government to be involved in such programs?

   This administration has been emphasizing the importance of the family as the nucleus of society. Family life has been deteriorating in the United States. One of the consequences appear to be adolescent pregnancy which in turn has adverse effects on the family. The Title XX legislation is intended to stregthen the family by increasing the role of the family as it deals with adolescents. The hope is that through family involvement, premarital sexual relations will be postponed or through responsible and effective use of family planning, adolescent pregnancy and its adverse consequences on the family can be prevented.
3. *Will this program succeed?* Churches have been involved in this area for a long time. Their efforts have not been 100% successful and we do not anticipate our efforts will be either. However, we do hope that through joint efforts between public and private entities including churches and the Federal Government we will have a significantly beneficial impact on the problems associated with adolescent pregnancy.

* * * * *

11. *Moral/ethical or religious principles in prevention programs*

Programs receiving funds under Title XX may not use these funds to teach or promote religious or moral teachings (Separation of Church and State) that are a normal part of Sunday school, religious education or CCD classes.

Prevention courses, however, may be based on or related to these principles, but the teaching or promotion of the principles themselves with funds from Title XX is not permitted.

Exhibit 13

Excerpt from Grant Application of Catholic Charities of Arlington

FAMILY CENTERED SEX EDUCATION:

A PREVENTIVE PROGRAM

A Proposal
Submitted by:

The Catholic Charities of the Diocese of Arlington, Inc.
3838 North Cathedral Lane
Arlington, Virginia 22203

Aaron Palmer, Deputy Director
Telephone 841-2544

To: The Office of Adolescent Pregnancy Programs for the Adolescent Family Life Demonstration Program

April 29, 1982

TABLE A

III PROGRAM GOALS & EVALUATION MEASURES & OUTCOMES

GOALS/OBJECTIVES	MEASURE/CRITERIA	OUTCOMES
I. *Goals for the Adolescent* 1. To develop responsible sexuality.	1.1 Changes on attitudinal measures. 1.2 Changes on knowledge and information. 1.3 Changes on self-administered questionnaire relating to self esteem, and sexual behavior.	1.1 Reduction in proportion with adolescent pregnancies. 1.2 Reduction in proportion with broken relationships with families. 1.3 Reduction in proportion with premature sex relations and premature marriages. 1.4 Increase self esteem. 1.5 Reduced proportion of teens drop-out of school.
2. To develop knowledge about sexuality and reproduction.	2. Changes in knowledge scores relative to sexuality.	2.1 Reduction in proportion with adolescent pregnancies. 2.2 Reduction in proportion with repeat pregnancies.
3. To clarify values of self, family, church, and community which relate to sexual behaviors	3. Improved knowledge and understanding of the long and short term implications of sexual behavior as measured by tests.	3. A reasoned value system relative to sexual behavior.
III. *Goals for Community and* 1. To develop community support for a program of family centered sex education in private schools and religious education classes.	1.1 Increased volunteerism 1.2 Increased in-kind contributions 1.3 Increased support of United Way and agency.	1. Reduction in unintended adolescent pregnancies.

Exhibit 16

NOTICE OF GRANT AWARD (Continuation Sheet)

Date Issued: 9/30/82

Project Identification No.: APH 000101-01-0

Item No.:

1. The grantee shall comply with the regulations applicable to demonstration grants under Title XX of the PHS Act when such final regulations are published.

* * * * *

6. The grantee shall submit for OAPP prior review and approval informational and educational materials, such as curricula, media spots, films, publications proposed to be used by the project. When the project proposes to develop such materials, the grantee shall submit a concept paper for clearance before proceeding further. Where additional Departmental clearances are required, OAPP staff will forward the relevant materials to the appropriate officials.
7. The grantee shall submit a plan by 12/1/82 for involving the community, including religious and charitable organizations, voluntary associations, and other groups in the private and public sectors, in the selection and development of information and educational materials such as curricula, media spots, films, publications, etc., prior to their use in the project to assure that these materials will be appropriate to the community and in conformance with the purposes of Title XX of the PHS Act.

Exhibit 23

Excerpt from Grant Application

FAMILY OF THE AMERICAS FOUNDATION, INC. (FAF)

1983 ACTIVITIES

The current and ongoing activities of the office of FAF's Executive Director include:

- assisting national and international Ovulation Method centers to raise funds to carry out their work;
- preparing and updating instructional materials and teacher training curriculum for developed as well as developing countries and certifying new teachers;

* * * * *

- conducting conferences to educate government officials on the success of natural family planning in developed as well as developing countries;
- developing fertility awareness programs for adolescents with strong emphasis on the advantages of chastity and virginity;
- providing continuous communication on all our national and international activities with the newly founded "Pontifical Council for the Family" at the Vatican;

* * * * *

- participating in national/international conferences of medical, religious, government and education personnel.

* * * * *

Exhibit 24

Excerpt from Family of Americas Foundation Grant Application

In addition to teaching a woman to recognize her fertile mucus, the Billings Ovulation Method points out the side effects of artificial methods of contraception and stresses the benefits of periodic abstinence in the marriage relationship. It is not only a method of birth regulation, but also a philosophy of pro-creation and an orientation to sexual freedom and responsibility. It is this aspect of the method that renders it potentially useful for promoting self-discipline and chastity among adolescents. When young girls learn to respect and appreciate their sexuality by understanding how their bodies function, they become confident of the importance of their own self-determination in the process of pro-creation.

Exhibit 28

GRANTEE: Catholic Charities of the Diocese of Arlington Report of Site Visit made 3/25/82

* * * * *

Page 1—Program to Date

2) The facilities in Fairfax are adequate—church facilities are usually adequate for educational program.

* * * * *

Page 2—Summary of Program

This is a sex education program for parents and adolescents. The main purpose is to teach parents to be sex educators of their children. One program has been completed to date. The program was held at Good Shepherd Parish, Mt. Vernon, Va. The course began on January 18th and consisted of 6 sessions for parents and adolescents in the 9th through the 12th grade. The Course was attended by 66 adolescents and 180 parents. Prior to conducting this program, an advisory committee of parents and adolescents met there twice to plan the program. Some sessions were 1½ hours long—others 2. Some sessions were held jointly for parents and adolescents—others separate. Eight such groups were formed and reports were made from each group to the entire audience. Prior to holding the sessions, the parish sent out invitations to all parishoners inviting them to participate in both the planning of the program and in the program itself. On 3-24-83, the advisory group met to evaluate the program and made suggestions to improve the program—to include a different psychologist and more emphasis on friendship and dating relationships as topics. The agency plans a second session at St. Martin's in Vienna, Va. to be followed by sessions at Blessed Sacrement in Alexandria, St. Charles in Arlington, St. Anthony's in Falls Church and

an Episcopal Church in Winchester _____. Confraternity of Churches Doctrine teachers also attended the first program. These programs are enducted separately for religious educators or parochial schools. Religion is not part of the program. The program emphasizes primarily prevention and also teaches all methods of contraception. No problems have been encountered so far.

* * * * *

Page 8

How are clients recruited?

1) Calls to Pastors of local churches.
2) Contact with parents by staff.
3) Articles in local papers.
4) Newsletters to Parishoners.
5) the award of the Grant—articles in newsletters
6) Church Bulletins.

Letters to parents. Registration by parents.

Page 9

Client entry point?

Meetings—program scheduled at churches. Clients enter through sponsoring organizations. They complete survey forms, registration form, pretests, attend sessions, complete evaluation forms and post-tests.

* * * * *

Page 12

Family involvement?

Course is designed to involve family.

Parent Sessions include information on adolescent development and adolescent sexuality. Consciousness raising, values clarification, communication skills, role playing. This is accomplished by lectures, films, small group activities and discussions, (15-20 persons) and information handouts and bibliography.

Teen Sessions include information about reproductive anatomy and physiology, consequences of sexual activity, answers to teens' questions about sexuality. Exploration of values of individual, family, community, church. Decision making, relationship skills, communication skills.

Parents and Teens Together—Families attend course together. Presentation (by pastor) on Community and Religious values relating to sexuality. This answer questions raised by parents and teens and involves them is a dialogue.

Exhibit 29

Curriculum for Good Sheperd Catholic Church

SESSION IV FEBRUARY 22, 1983 7:30-9:00

7:30—Father Creedon lectures on values of the Church and community.

8:10—Break into individual groups.

Discussion Questions—Parents

Parents discuss how Catholic values fit into their lives.

1) What are you telling your teens about premarital sex?
   morality?
   consequences?
   Does this fit with presentation given by Fr. Creedon?
   Do you think the Church gives you the help and support you need?
   How could the Church be more helpful?
2) Are you comfortable explaining your values to your children?

Discussion Questions—Teens

Teens discuss how Catholic values influence their final decisions RE: Sex

1) What are your parents' ideas about premarital sex?
2) Are they telling you? Do you just know how they feel?
3) What part does religion play in you making decisions about sexual matters?
4) Do you get enough guidance from your Church about sexual behavior?

8:30—Values Voting—Parents
Who's Responsible—Teens

SESSION 6 – PARENTS – MARCH 6, 1983 –
7:00-9:00 PM

7:00-7:45 PM – Dinner
7:45-7:55 PM – Wrap Up – Betty West – Father Creedon
8:00-8:30 PM – Evaluation Form
8:30-8:45 PM – Small Group Discussion and Evaluation
8:45-9:00 PM – Closing Slide Show

COMMUNITY FAMILY LIFE PROGRAM
100 HARRISON P.O. BOX 805
KENNETT, MISSOURI 63857
(314) 888-5892

October 19, 1983

Patrick Sheeran, Director
Program Development and Monitoring
Office of Adolescent Pregnancy Programs
Reporters' Building
300 7th Street, S.W.
Washington, D.C. 20201

Dear Patrick,

I am enclosing, for your review, an outline of the presentation which I delivered at the recent Harvard conference. Also included is a synopsis of our activities in the educational and nursing components during the last year. If you would like additional information or clarification, please don't hesitate to contact me.

Although we only initiated our workshop program in late August, to date we are having tremendous success in selling these educational services to the conservative, fundamentalist community that has, in the past, been the most vigorous opposition to sexuality education programs. We are now negotiating to provide this preventive service to parents of Headstart children at eighteen different sites in our service area. The most encouraging thing about our success with the fundamentalists and Headstart program is the probability that in working with these groups we will have the greatest opportunity to affect attitudes and actions in a population that, until this time, had not had access to these kinds of educational services.

Our researchers with the University of Missouri; Kansas City and St. Louis campuses, are very interested in Mrs. Mecklenburg's plan to bring the researchers in for a national meeting. Our researchers in St. Louis, Dr. Richard Thurman and Dr. Glenn White, feel that our success in delivering sexuality education through fundamentalist churches, if continued, could result in our becoming a model program for this type of delivery mechanism. Dr. Thurman and I have submitted an abstract for a presentation to be delivered at the June meeting of the American Association of Sex Educators, Counselors and Therapists (AASECT). We feel that a sufficient number of workshops will have been completed at that time to publish some preliminary findings on the project's activity.

* * * * *

Deposition Excerpts of
Barbara Rosengard,
Program Development Specialist,
Office of Adolescent Pregnancy Program

[Direct Examination by Ms. Hunter:]

[77] Q During your review of the grant applications, in 1982, did there ever come a time when you had concerns about the religious nature, or involvement of any of the applicants?

A Not for any that I reviewed.

Q Not for any that you reviewed, at what point?

A In the internal review process.

Q Did you have any concern for any applicant, whether you reviewed them or not? Did that concern arise for you, at any point?

A In a general way, as opposed to any specific knowledge.

Q Well, what was your general concern, can you describe that for me?

A I just wondered what some of the projects would be doing with the funds.

Q Would you identify for me which project you had that concern about?

A Just in general, some of the grants, it was a curiosity, rather than having read them.

Q Did you communicate your concern to anyone?

A I mentioned it to Patrick Sheeran.

Q Do you recall what exactly you said to Mr. Sheeran?

MR. MILLET: I object to that as calling for Agency [78] deliberations, and instruct the witness not to answer the question.

BY MS. HUNTER:

Q At the time that you had that discussion with Mr. Sheeran, was he your supervisor?

A Yes.

Q Did you include that concern in any documents that you wrote?

A No.

Q Did you ever receive, from any of your supervisors, any kind of guidance, or policy directives, on the question of the religious nature, or involvement of any applicant?

A No.

Q Do you recall how many projects were the subject of your conversation with Mr. Sheeran?

A Possibly two or three, that is all.

Q Do you recall now which ones they were?

A Just in terms of category of project.

Q What category was it?

A Prevention.

Q And do you recall the identity of those projects?

A Probably some of the Catholic charities projects.

Q Do you know which ones?

[79] A Not specifically.

Q There was more than one Catholic charities project, is that correct?

A Yes.

* * * * *

[88] Q Can you identify which programs were in that category, that is, unsuccessful applicants in 1982, who received an award under the National Grant Program in 1983?

A I can think of two.

Q Which two.

A Search Institute and Family of the Americas, which had another name earlier.

Q Okay.

At the time of the 1983 National Grants funding decision, did anyone on the staff of your office investigate the religious involvement, or possible religious involvement of the Family of the Americas Foundation?

A Not that I am aware of.

Q Did anyone make that kind of investigation at the time that the Family of the Americas Foundation applied in 1982?

A I don't know.

Q With regard to the Search Institute, do you know whether anyone on the staff of your office investigated possible religious involvement of that applicant, in either 1982 or 1983?

A No.

[89] Q Now, after projects were funded, it was also part of your job duties, for at least some grantees to have some oversight capacity, is that right?

A Yes.

Q Or some monitoring capacity. Did there ever come a time when you had questions about whether a grantee, an already funded grantee, under the Title XX program, was engaging in religious activities?

A Yes.

Q Can you tell me when that occurred?

A In the last month or so.

Q What project was that?

A St. Margaret's Hospital.

Q And what was the nature of your concern?

A I learned that there was a religious based curriculum that included teachings of the church, and we had never known of its existence, we had never seen a copy of it in the office.

Q Had any curricula materials been submitted to you by St. Margaret's?

A Curriculum was submitted, prevention curriculum, at the end of January, mid-January.

Q And what did you do in response to your concern?

A Well, I learned about it from someone else, someone [90] told me that there was a religious curriculum, and I was asked to call St. Margaret's to find out when it

had been developed, under what funds, and under what circumstances it was used, whether it was currently used.

Q And who told you of this?

A Well, initially the Director had asked me to get copies of all the St. Margaret's curriculum materials, because she was concerned about something that she thought was religious content, and I had not known, I had not seen anything of the sort. I was talking to Susan Rudy, in our office, who said that this did exist, and that I—and that she asked me to call and clarify under what funds it had been developed, and how it was used.

* * * * *

[104] Q With regard to the St. Ann's program, can you state for the record who the grantee is in that program?

A St. Ann's Infant and Maternity Home in Hyattsville, Maryland.

Q Is that a Catholic organization?

A Yes.

Q Did you do a site visit for St. Ann's?

A Yes, I did.

Q When was that?

A In March of 1983.

Q Are you the only Project Officer that sets up, so that these people make these visits, or do you make the visits alone? How are the visits set up?

A It varies. I went to St. Ann's with two other people. It was easier, because it was local, and travel was restricted, of course, in terms of funds.

Q Were the two other people also, did they also have [105] oversight responsibility for the St. Ann's program?

A One of them did, as the Grants Management Project Officer. We have Grants Management Project Officers assigned to each and the Grants Manager went. The other person was a consultant to the office, working on evaluation.

Q Who were those two people?

A Shirley Tardif was the person from the Grants Management Office. Bruce Spitz was the consultant.

Q When you made the site evaluation to St. Ann's, what did you see, or what did you do?

A We met first, I think met the fiscal people. We saw the whole facility, and had a walkthrough of their facility, especially the parts that they had renovated for the after care, which is one of the main components, and then went through the school, talked to teachers, and then basically talked to other staff.

Q Is the after care component—that includes the Natural Family Planning?

A The after care is the residential care program for the—for about eight mothers who have no means of living alone.

Q With regard to the Natural Family Planning classes, are there such classes that are part of St. Ann's program?

[106] A Yes.

Q Did you visit any of those classes?

A No.

Q Has your office, or you, received any copies of the educational materials that are used in the St. Ann's program?

A I don't believe I have received materials from them, but that—the materials are mainly, have been requested in terms of the curriculum. It is mainly in terms of the prevention program, and that is a CARE program.

Q When you say that is a CARE program?

A St. Ann's is a CARE program.

Q Have you received any of the materials that are associated with the Natural Family Planning classes, or that component of the St. Ann's program?

A I don't recall. I don't remember.

Q What is your understanding of what the Natural Family Planning component of that program includes at St. Ann's?

A I believe it is the teaching of fertility awareness, of the Natural Family Planning method.

Q And are there materials distributed in those classes?

[107] A I believe. I am really not sure.

Q Have you ever requested to see any of the materials that might be given out as part of the Natural Family Planning courses?

A I don't know if I requested, as such. I remember commenting I was sorry that people from Providence Hospital had not been part of the site visit, that they had not been included.

Q Is it part of the program, so far as you understand it, at St. Ann's, to monitor for at least six months, the charting progress of each client who chooses to continue the charting, in the Natural Family Planning classes?

A I don't know the details of that.

Q And it was your testimony that you never sat in on one of the classes, is that right?

A Yes, that is right?

Q To your knowledge, does St. Ann's program have a number of subgrants, or subgrantees?

A It has.

Q Or subcontractors?

A It has a couple.

Q Are all of those with Catholic organizations?

A I don't think they all are.

[108] Q Do you know who they are with?

A I know they deal with Catholic University and Providence Hospital, and Catholic charities, but they also deal with other groups in Anacostia, that is part of the program, they have expanded now in their Outreach component, and we talked about working with Cities-in-Schools.

Q Other than?

A Community organizations.

Q Other than cities and schools, do you know any other organizations that they are affiliating with?

A They are affiliating with a Hot Line, I believe, in Maryland, and they are starting to work with other community organizations. That is part of the program they are really starting.

Q You mean other than Catholic organizations?

A Yes.

Q For the record, St. Ann's is located in Hyattsville, Maryland, is that right?

A Yes.

Q Has there been – how many site visits has there been to St. Ann's, so far as you know?

A One.

Q Have you ever visited the Providence Center for

[109] Life?

A No.

Q Is that a part of the St. Ann's program?

A Yes.

Q And what is their function in the St. Ann's program?

A Family life education, and natural family planning, Providence Hospital.

Q Have any of the materials used in the family life education component at the Center for Life been submitted to you, or anyone else in your office?

A I don't recall seeing it.

Q Have you ever requested any of them?

A No.

Q Do you know whether anyone else has requested any of them?

A I don't know that anyone has. I don't know.

Q And I believe you alluded earlier to an after care program, and then described it as being the academic

program, or the program for young women, is that correct?

A Residential program.

Q Residential program?

A Yes, for mothers and their babies, mothers who are [110] at high risk of child abuse, or other problems, because they have no other family resources.

Q Is there an academic program?

A Yes, there is, an accredited school on the site.

Q What school is that, do you know?

A It is teachers from Maryland, from the State.

Q But the school is located on site?

A Yes. Yes.

Q And can you tell me exactly where it is located?

A It is in the St. Ann's facility, I forget what floor it is on, but it is in the St. Ann's facility.

Q And have you, or anyone else in your office, ever reviewed the materials that are used in that academic component?

A No.

Q Have you ever requested those materials?

A No.

Q To your knowledge, has anybody else in your office ever requested those materials?

A No.

Q St. Ann's was funded, I believe, in the first year of the funding cycle, is that correct?

A Yes.

[111] Q And was it refunded?

A Yes, it was.

Q Did there come a time when additional funds were provided for St. Ann's, beyond what they had originally been granted?

A Yes.

Q When did that occur?

A At the time of refunding.

Q Was that additional funds for the coming year, or for the previous year?

A The coming year, present. Funds are granted on the last day of the preceding fiscal year, from September 30th, 1983, it is fiscal 1983, but the program operates for the next year.

Q And St. Ann's received funds in excess of what they requested, is that right?

A Yes.

Q Why did they receive more money than they had requested?

A I don't know.

Q Who made that funding decision?

A The Director.

Q Was there any other program, to your knowledge, that [112] received more money than they requested?

A Yes.

Q What were they?

A A few of mine did. Tacoma-Pierce, Health Department in Tacoma, Washington did; St. Margaret's Hospital did, Lexington-Fayette Health Department, in Lexington, Kentucky did; Brigham Young University, of the projects I monitored, those are the ones that I can recall.

Q Do you know the reasons why any of them received more money than they requested?

A My understanding is there was extra money, there was money left over at the end of the year, and the Director just decided to allocate it. Some of it was in response to requests.

St. Margaret's requested extra money, because their negotiated indirect cost rate had increased, and they got the extra money.

I had requested a supplement for another project, and that was awarded.

Deposition Excerpts of
Elizabeth N. West,
Coordinator, Children's Services at
Catholic Charities Diocese of Arlington;
Project Director of CCDA's Parent/Teen Sexuality Program

[Direct Examination by Ms. Hunter:]

[15] Q Now, what is your connection, Ms. West, to the Teenage or Parent/Teen Sexuality Program that's being offered now by the Catholic Charities?

A I am the Project Director.

Q When did you become Project Director?

A As soon as the grant was given.

Q Did you assist in writing the grant or did you write the grant proposal?

A Yes, I wrote it with the assistance of an [16] administrative person.

Q How did you come to prepare that proposal?

A Well, we had for years been seeing thousands of adolescent, pregnant girls coming in and out of our doors and we had been helping them as best we could, but we came to believe that what we were doing was nice Band-Aids, but we really ought to be doing something in the prevention field as well. In fact, we had decided to do a preventative program just shortly before I got a copy of the Federal Register with the legislation in it which financed these grants.

Q How did you get a copy of the Federal Register? How did it come to your attention?

A Somebody sent it to me.

Q Who sent it to you?

A I think—I think it might have been Jerry Ernst, who at the time may have been employed by the National Conference of Catholic Charities. He had been at a meeting when I was talking about wishing to do a preventative project, so I think it was at that meeting.

Q What meeting was that?

A That was a day long conference that the whole staff had to rethink our programs and decide on new directions for the future.

[17] Q By "whole staff," you mean Catholic Charities of Arlington?

A Yes, as well as some of our board members were there and Jerry Ernst had spoken to us at that meeting.

Q Who did you discuss the preparation of the grant proposal with?

A I discussed it with the administration of the agency.

Q Who do you mean by that?

A Aaron Palmer, in particular, and Father Creedon, to a lesser extent.

Q What was the nature of your communications with them?

A Well, something about here was some money that might be available to us to do the preventative program that we had been wanting to do.

Q Who is Father Creedon?

A He is the Executive Director of Catholic Charities of the Diocese of Arlington. He is also the Pastor of Good Shepherd Church.

Q So, Mr. Palmer, is he an assistant to Father Creedon?

A Yes, he is. He's Deputy Director.

* * * * *

[24] Q Is the Sexuality Program of Catholic Charities now funded exclusively by the grant from the Office of Adolescent Pregnancy Programs?

A Well, it is a matching grant and we have to come up with 25 percent of the funds.

Q Catholic Charities themselves comes up with 25 percent of the funds?

A Our sponsoring groups come up with in kind contribution, plus money and plus there is the contribution of Catholic Charities and that makes up 25 percent.

Q Did the decision whether to apply to the federal government for this grant get submitted to the Board of Catholic Charities of Arlington for approval?

A Yes, it did.

Q I take it it was approved?

A That's right.

[25] Q Were there minutes kept of that meeting?

A I'm sure.

Q Do you know approximately when that meeting occurred?

A No, I really don't. It would have been in the spring sometime, April, May, June.

Q The spring of what year?

A Of the year I submitted the grant proposal, which was 1982.

Q Were you present at the board meeting for that discussion?

A Yes, I was.

Q Did you present the proposal yourself?

A I did.

Q Can you tell me everything you remember about the discussion about the proposal among the board members?

A There wasn't very much discussion about it, actually. I presented the program and the reasons we wanted to do it. The board said, "We couldn't afford it." I said, "Don't worry; no grant, no program," and it passed.

Q Were there any modifications or specifications adopted by the board for the contents of the proposal or for the program?

[26] A None.

Q Do you remember if there were any negative votes?

A I don't recall a single one.

Q Was Father Creedon present at the meeting?

A Yes, he was.

Q Was Bishop Keating the bishop at that time?

A No. Thomas Walsh was bishop at that time.

Q Was Bishop Walsh—

A (Interposing) I'm sorry. It was Welsh, I think.

Q Was Bishop Welsh present at that meeting?

A No, he was not.

Q Did you have any discussion at or about that time that the grant was being prepared, the original proposal was being prepared and submitted, with either Bishop Welsh or anyone on his staff?

A Yes, I did.

Q With whom did you speak?

A I spoke with Bishop Welsh. I also spoke with Brother John Bardo, Father Davis and Father Franklin MacAfee.

Q Can you tell me what your conversations were with Bishop Welsh?

A Yes. I told Bishop Welsh that we had applied for this grant to do Sexuality Education. I told him why it was [27] we wanted to do it. I also told him that as this grant was federally funded that there could be no religion taught in this program, because he had to understand that going in.

Q What did he say?

A He accepted what I said and understood and approved the fact that we had submitted the grant proposal.

Q Was this conversation with Bishop Welsh before or after the board meeting with Catholic Charities?

A I don't recall.

Q Was it an in-person meeting?

A It was an in-person meeting.

Q Did you have any subsequent conversations with Bishop Welsh?

A I don't recall any.

Q So, that's the only time that you talked to Bishop Welsh about the program?

A Uh-huh.

Q You mentioned Father Bardo?

A No, Brother John Bardo.

Q How do you spell his last name?

A B-a-r-d-o.

Q What were your conversations with him?

A The same as my conversation with Bishop Welsh.

[28] Q What is his position?

A His position is he is head of the Religious Education Department for the Diocese.

Q Was he present at the conversation with Bishop Welsh?

A No, he was not.

Q This was separate?

A That was separate.

Q How many times have you spoken with Brother Bardo?

A I spoke with him just that one time. I may have had a short telephone conversation with him on the same subject a little bit after I spoke with him in person.

Q What would that conversation have been about?

A Oh, I can't recall. I was asking him if he had any suggestions for us.

Q In terms of what?

A In terms of anything.

Q When you say "us," who do you mean?

A Catholic Charities, the staff who were to do the program.

Q Did he have any suggestions?

A Yes, he did. He sent us over a bibliography and that's all, just a bibliography.

[29] Q A bibliography of what, do you know?

A Of books we couldn't use in the program. They were religious books.

Q I believe you also mentioned a Father–Brother Davis?

A Father Davis.

Q What is his position?

A He is the head of the Catholic School System for the Diocese of Arlington.

Q Can you tell me the contents of the conversations or meetings you had with him about this program?

A Yes. Again, I explained to him what it was that we were doing and I also explained that as it was a federal program there could be no religion in it, and I asked him if he thought that this program would be acceptable to the Catholic Schools.

Q What did he say?

A He said, "Yes, somebody better do something. We can't wait for the perfect program. Do it now."

Q When you say "Catholic Schools," to clarify, you mean parochial schools; is that correct?

A Parochial schools, yes.

Q At that time it was under discussion or [30] consideration, at least, that this Sexuality Program would be done in parochial schools or presented in parochial schools?

A That it might be.

Q I take it that it has not been–at least not yet; is that correct?

A That's correct.

Q Can you tell me why it hasn't been?

A Well, as our plans evolved and over that summer before I got the grant, I made it my business to get informed about the best way to do sexuality education. I came to believe that parents should definitely be included and that meant night sessions. That meant a whole different format from going into schools, and we decided that we would advertise it for community groups.

Q I see. At the time that you had originally planned on doing it in the schools, you considered, I take it, doing it during the day; is that right?

A Yeah, we thought about it. That plan wasn't very refined. What I was trying to demonstrate in that proposal was that I felt we had access to a large enough numbers of people to actually do this program.

* * * * *

[69] Q Okay. Is there an Advisory Group that's been convened at St. Elizabeth's Seton?

A There was a partial Advisory Group convened, but they were going to enlarge it and we haven't met with any enlarged group yet.

Q Do you know whether it is planned that there will be a presentation on religious beliefs?

A I don't know.

Now, when we say "presentation on religious beliefs," it is a matter of a religious consultant answering the questions having to do with religion that come up during the course.

Q What are you describing when you make that statement?

A During one of the sessions of the course, usually the first or second, we distribute file cards and ask all the participants to write down any questions they might have regarding sexuality, since we promise going in to get answers for all of them. All of those which have to do with religion are referred to the Advisory Group to do with what they will, which is usually to get a religious consultant of their choice. The others are answered by our staff during the [70] course of the program.

Q Who actually writes the answers to those questions, the ones that are answered by your staff?

A I've done a lot of them and Pat Mudd has helped me with them.

Q I take it there are some questions that come up that do pertain to religious beliefs that are deferred or passed along to the Advisory Committee; is that correct?

A That's right, anything that has to do with religious beliefs are passed on.

Q Are you the person who selects which of the questions gets passed on to the Advisory Committee?

A I or Pat Mudd or both of us working together.

Q Okay. Ms. West, I'm going to show you what's been marked as Cullen Deposition Exhibit 5. Do you recognize that?

(Handing to the witness.)

A Yes.

Q What is that?

A That's the questions that the Good Shepherd Group wrote when we did our first program with them.

Q Okay, and did you compile or prepare the answers to the questions?

A Yes.

[71] Q Then did you pass that sheet back out to the participants at Good Shepherd?

A Yes.

Q Do you recall at what point in the program the sheet was passed back out to the participants of Good Shepherd?

A No, I don't. I don't recall.

Q Okay, but it was sometime during the course of the program; is that right?

A Yes.

Q Yes?

A Yes.

Q The questions were actually collected on the first session; is that right?

A Yes, although we have question boxes available at every session of the course so that people can continue to put in questions during the course.

Q Then at some point you compiled the answers or write the answers?

A Right.

Q I note that some of the questions are answered with substantive answers; is that right?

A That's right.

Q Some of them are answered with a phrase "previously [72] answered;" is that right?

A Right.

Q What does the phrase "previously answered" mean?

A That means that they were answered previous to our writing the answers to the questions.

Q Answered previously during the course of the Sexuality Program?

A Yes, during the time encompassed by that program.

Q Directing your attention to the first page of that, Question No. 9,–

A (Interposing) Yes?

Q (Continuing)–that question reads, "How does abortion kill an unborn child," and then there is an answer with a listing of one, two, three, four, five describing various procedures for abortion. Did you write the answer to that question?

A Yes, I did.

Q Now, let me show you what's been marked as Cullen Deposition Exhibit No. 6. Do you recognize that?

(Handing to the witness.)

A Yes. I am told that these are the questions from the St. Anthony's Parish course. Now, again, I was out of the country when this course was done, so I wasn't there.

[73] Q I see. Did you write the answers to these questions?

A No, I did not.

Q Do you know who did?

A No, I don't specifically know.

Q Based upon your position as Project Director, who would you have expected–

A (Interposing) It would have been Pat Mudd, perhaps, with the assistance of Linda Cullen.

MR. HIRT: Which number is that?

MS. HUNTER: Cullen Deposition Exhibit No. 6.

BY MS. HUNTER:

Q Ms. West, were you present at the sessions of the course or program at the Good Shepherd Church?

A Yes, I was.

Q Did you attend every session of that?

A Yes, I did–Oh, no, I didn't. I beg your pardon. I was not there for the last session.

Q All right. Thank you. As a means of clarification, I'm talking about the first program at Good Shepherd.

A Yes.

Q Your testimony is that you were not there for the last session, but you were there for all the previous [74] sessions; is that right, the first five?

A Yes.

Q Showing you, again, what's been marked as Cullen Deposition Exhibit No. 5, and directing your attention to Page 2 of that exhibit, Question 11, 11 reads "What is the church's view on overpopulation," and the response is "previously answered." Do you remember what answer was given in response to that question at Good Shepherd?

A Not exactly. An answer about the church being concerned with overpopulation and with the needs of people.

Q May I see that again?

(Handing to counsel.)

Directing your attention to that same exhibit, Question No. 16, the question reads "Is the church against all abortions," and the answer is "previously answered." Do you recall what answer was given to that question in the program at Good Shepherd?

MR. ARBOUR: Are you referring now to the Catholic Charities' Program?

MS. HUNTER: Yes, in the program of which Ms. West is the Project Director.

A Well, now let's say that those—that that question and the one on overpopulation were taken by Father Creedon in [75] the hour that he had in one of the sessions in order to answer those specifically religious questions that had come up, and you are asking me what did he say about all abortions?

BY MS. HUNTER:

Q Is that your answer, that the question was answered by Father Creedon?

A That's correct.

Q Directing your attention to this same exhibit, Question 31, which reads "What's the best method of birth control," and the answer is "previously answered." Do you recall what answer was given to that question at the Good Shepherd Program?

A I think I could find it on another page. I refer you to Question 21 on Page 3.

Q All right. The question you are referring me to says, "What type of contraception is the most effective," and the first word of the answer is "abstinence"?

A Yes.

* * * * *

[128] Q What is your understanding, Ms. West, as between the Parish Advisory Committees and the Project Staff of the Sexuality Program as to who decides the contents of the curriculum of the program?

[129] MR. ARBOUR: Excuse me. The curriculum of the Catholic Charities Program you are talking about?

MS. HUNTER: Correct.

A Well, the Advisory Group decides whether they can, in fact, use what we have to offer.

BY MS. HUNTER:

Q Who makes the final decision about the contents of the curriculum?

A The Project Staff and the Agency.

Q So, if the Parish Advisory Group says, 'We don't like this and we don't want it in,' it can still go in? Is that your understanding?

A Maybe it could, but we wouldn't put it in if they objected to it.

Q It seems to me what you are saying is the decision rests with them. In other words, if they object, then it doesn't go in; is that correct?

A If they object to a certain segment, we would not put it in.

Q All right.

A And I think that's a sound principle of sex education. At least, I'm so advised by sex educators that you don't go in and try to teach things that are unacceptable to [130] the group that you are dealing with.

Q Now, do you yourself meet with the Parish Advisory Committees?

A Yes, I do.

Q Have you met with all of them?

A Yes, I have.

Q Can you give me some sense of how many times you would typically meet with those groups and what the process would be?

A We would meet with those groups at least three times, but we might meet five or six times depending on the group.

Q Is that five or six times prior to the time that the program was done?

A That's right.

Q Can you describe to me, generally, the contents of those meetings?

A Yes. As I've said, we would have the first meeting with a small core group chosen by whoever calls us. We describe what we have to offer and we tell them what we would expect of them. Then we arrange to come back a second time with films and literature and describe the activities in more detail. We also question them about what they think should be [131] included in such a course.

Q All right, and are there subsequent meetings after those meetings?

A Yes. Then they may wish—probably will wish to meet with us subsequently, as they have added new members who need to be brought up to date on this.

Q When they make suggestions about what should be included in the course, is it typical that you would incorporate those suggestions into the courses actually presented at that parish?

A Yes.

* * * * *

[164] Q Ms. West, I'm going to read to you some passages from one of the books that was listed in your original grant proposal, which has come up in earlier testimony, called *Education in Human Sexuality for Christians.* I only have one copy of this book. I'm not going to read that much from it, but I'm going to read a certain passage and then I'll let you look at the certain passage, if you want to refer to it, rather than making the whole thing an exhibit in this deposition.

MR. ARBOUR: Counsel, could you identify the specific publication?

MS. HUNTER: I think I just did. *Education in Human Sexuality for Christians,* it is copyrighted 1981, published by United States Catholic Conference.

BY MS. HUNTER:

Q I'm going to read first from page 63, which is the beginning of Chapter 4, which is titled "Sex Education in the

Context of Formal Instruction in School." What I'm going to do, Ms. West, is read you a passage and ask you to listen carefully to that passage and then ask you a couple of questions. As I said, you'll be able to look at the passage [165] when I ask you the questions.

"The purpose of formal instruction in sexuality is threefold. One is to enable each student to increase her or his understanding and communication of self and others as sexual persons, that is to promote the development of a sexual identity, to enable each student to develop and clarify and integrate the values regarding her or his relations with others, which are conditioned by maleness or femaleness, to enable the learner to act responsibly as a Christian regarding his or her sexuality. Some real estate experts emphasize that there are three rules of the real estate business, location, location and location. Likewise, we can say that there are three rules for which we must scrupulously observe in the planning process: Begin with the parents, include the parents throughout the planning and execution of the program and have parents conclude or evaluate the program. There are many reasons for including parents throughout the entire planning process. The most fundamental reason is based on the realization that values which children form regarding their sexuality are derived primarily from the family context. The old proverb, 'The apple does not fall far from the tree' is very much to the point regarding the formation of values. In many instances parent enrichment should actually be the first [166] goal of any sex education program which is being developed for children. Without parent enrichment and parent parental value clarification, the program will be crimped from the beginning."

That's the excerpt and I would like you to tell me, Ms. West, whether the principles and tenets of the Sexuality Program that you are the Director of are consistent with the principles and tenets reflected in that lengthy excerpt that I just read?

A I would say so, with the exception of the phrase "As a Christian" in No. 3 under A.

Q That they are consistent?

A Well, if you will read that "To enable the learner to act responsibly regarding his or her sexuality," then that would reflect the views of our program.

Q Would the remainder of the excerpt also reflect the views of your program?

A The remainder of the page, with the exception of this phrase which we have deleted, yes,—

MR. ARBOUR: (Interposing) The next paragraph, which is what was read, right?

THE WITNESS: Yes. Yes, that's not—that's not all the views of our program, but those views fit into our program.

[167] BY MS. HUNTER:

Q I'm going to do the same thing from Page 65 of the same document. "Knowledge in itself is not harmful, therefore, every major facet of knowledge and value in relation to sexuality should be covered at some point in developing a curriculum. Subsequently, the following goals and objectives include not only such aspects of sexuality as love, intercourse, family planning, responsibility, chastity, Christ, joy and appropriation, but also such subjects as homosexuality, abortion, divorce, rape, prostitution, venereal disease and pornography. To withhold knowledge or answer questions dishonestly can only lead to disinformation and a warped set of values. How can students evaluate without knowledge. How can they internalize values and employ Christian principles without knowledge? It is better for knowledge to be transmitted in a valid and/or scientific setting amenable to the examples and teachings of Christ, rather than be transmitted by a school friend, a magazine or a television program."

The heading for that particular section on that page is the word "content."

Ms. West, are the principles and tenets of the Sexuality Program that you are the Project Director of [168] consistent with the philosophy of the lengthy excerpt that I just read?

A If you will delete "Christ" and "Christian principles."

MR. ARBOUR: Counsel, are you asking when you say the philosophy of what's been read, are you sort of talking about the overall theme of what's in here as opposed to every possible word?

MS. HUNTER: Well, I'm asking about the meaning about what I just read as she understands the meaning of it.

THE WITNESS: Of course I understand the meaning of it.

MS. HUNTER: I was just clarifying for Mr. Arbour.

BY MS. HUNTER:

Q Could you answer the question?

A If you talk about the course, you know, the course includes our input as federal grantees, the input of the participants of all of their values, whatever they may be, and also there is that Advisory Group segment over there.

Q Perhaps, then, I should clarify and say what I'm referring to are the philosophy of the courses as your central project develops the philosophy of the course. Is that consistent with the—

[161] A (Interposing) To give knowledge to be evaluated.

Q Is your philosophy consistent with the philosophy that's reflected in the excerpt that I just read?

A The philosophy that sex education embraces knowledge, values, science and religious beliefs—it does for people who have religious beliefs. It doesn't for people who don't.

Q Do you understand my question, Ms. West?

A You are asking if my philosophy is the same as what is stated in this segment here (indicating).

Q I'm asking you if your program's philosophy is, yes.

MR. ARBOUR: I think she's trying to answer it.

MR. HIRT: Counsel, I think that we could even have Planned Parenthood intervene in this case and agree to all the statements, except for the Christian references.

MS. HUNTER: Well, Mr. Hirt, if you want to make a speech and take up time—

MR. HIRT: (Interposing) I'm objecting to the argument you are having with the witness about her agreeing to a particular phrase. I think it is a questionable use of deposition time. She's trying to answer the question and you are trying to squeeze blood out of stone at this time.

MS. HUNTER: That is not an appropriate objection.

MR. HIRT: I think it is very appropriate. Perhaps [170] your clients would like to stipulate to all these statements. I'm sure your clients are against prostitution and pornography, and I don't know where we are going by you asking Ms. West except for "Christian" if she agrees.

MS. HUNTER: Mr. Hirt, I don't know what your objection is, but I think it is fully on the record.

MR. HIRT: At least you understand that I've said it. I don't think you understand it.

MS. HUNTER: I don't think there is a question about whether I understand it. It is the question of what proper objections are.

The witness can answer the question.

MR. HIRT: She answered it once, but answer it again.

MS. HUNTER: Who are you representing in this deposition?

MR. HIRT: I'm representing a party to the case. I have a right to object to questions.

MS. HUNTER: I believe Mr. Arbour is representing the witness.

MR. HIRT: He is, that's correct.

MR. ARBOUR: Would you like to elaborate on the answer that you have already given?

[171] THE WITNESS: I agree that it is important that every major facet of knowledge and values in relation to sexuality should be covered in the curriculum.

BY MS. HUNTER:

Q Ms. West, can I ask is there any way in which the principles of your Sexuality Program conflict with the excerpt that I just read?

A Yes, in that what we offer is not "Christ, joy, Christian principles." The example and teachings of Christ, they are no part of our curriculum.

Q All right, and is there any other way that they conflict?

A As I said before, religious belief as a content, as part of the contents of sex education would depend on whether the participants had religious beliefs.

* * * * *

[Cross-Examination by Mr. Hirt:]

[201] Q I'll ask you this and then ask you to state whether it is accurate and then you can clarify it. Seventy states, "According to a site report, C.C.A."—which is Catholic Charities of Arlington—"has used the following means to advertise or attempt to reach individuals: Announcements from the pulpits, letters to all parishioners at Good Shepherd Parish, articles in church bulletins, articles in local newspapers, articles in local newsletters, articles by the Bishop of the Diocese on the grant, local church letters," and then there is a reference to a page of the report. Is that statement accurate and if not, could you elaborate to where it is inaccurate?

A It may be accurate in that that's part of a site report, but articles in local newspapers rather than newsletters would be accurate.

Q Is there anything else in there that looked–

A (Interposing) In 72, do you want me to read that?

Q Well, let me–I'll read it.

Seventy-two says, "Programs have been held at Good Shepherd Church; St. Martin's Church, Blessed Sacrament, Alexandria, Virginia; St. Anthony's Church, Falls Church, [202] Virginia; Episcopal Church, Winchester, Virginia." Can you make a statement as to whether those are accurate?

A That is not accurate. St. Martin's Church should be deleted. I don't know if any such church exists. Blessed Sacrament Church, Alexandria, Virginia should be deleted. We have not done a program there. Episcopal Church, Winchester, Virginia, we have not done a program there. St. Mark's Church, Vienna, Virginia should be added and, if you want to include the present program which we are finishing next week, it would be St. Charles Church in Arlington.

Q Those are the programs you have already described in prior testimony; is that correct, without going through and naming them again?

A Yes. Yes.

Q Let me just ask you one more question on this. I'll again quote a statement and–

MS. HUNTER: (Interposing) Now, what document is this?

MR. HIRT: The same document.

MS. HUNTER: The same document?

MR. HIRT: Yes.

BY MR. HIRT:

Q Sixty-one states in part, according to its Catholic [203] Charities of Arlington Articles of Incorporation, "The purpose for which the corporation is organized is to conduct, coordinate, develop and promulgate programs and activities concerned with the personal, economic and

social welfare needs of families, children and individuals in the Catholic Diocese of Arlington, Virginia, not inconsistent with the Code of Canon Law of the Roman Catholic Church and the Statutes of Virginia." That's the statement in that paragraph?

A Yes.

* * * * *

[Re-Direct by Ms. Hunter:]

[215] Q Just as examples, let me direct your attention to what appears as Question No. 5, which says, "Everything about masturbation," and the answer is "Previously answered."

A Uh-huh.

Q When was that previously answered?

A That was answered by Doctor Azcarate in his presentation.

Q To the best of your recollection and understanding was there any religious contents to that answer?

A There was not.

Q And–

A (Interposing) Except that he might have said that 'If your religion forbids it, you may feel guilty afterwards.'

Q All right. What about Question No. 2, which reads, "Want to know about premarital sex," and the answer there is "Previously answered"? When was that previously answered to the best of your recollection?

A Well, as I told you, we had this film after we did an activities with the teens where they brainstormed the pros and cons of having sex, and also that was one of the questions–I'm trying to think whether Doctor Azcarate went into that or not. I don't remember.

Q All right. To the best of your recollection, was [216] there any religious contents to the answer which had been given to that question as it had been previously answered?

A To the best of my recollection, no, although Father Creedon did handle some similar question in his presentation.

Q All right.

A But even that wasn't religious.

Q Okay. Question No. 6 on the same document says, "What's S and M," and the answer is "Previously answered." To the best of your recollection, was there any religious contents to the answer to that question as it had been previously answered?

A No, there was not. Previously answered refers to the answer to Question 1.

Q I see, on the same page?

A Right, and there is no religious contents to that.

Q For Question 11, as I understand your testimony, Question 11 is "What is the church's view on overpopulation," and the response there is "Previously answered." Is my understanding correct from your earlier testimony that that previous answer was given by Father Creedon?

A That's right.

Q And that there was religious content to that answer?

[217] MR. ARBOUR: Your question is whether there was religious content in Father Creedon's answer to that specific question?

MS. HUNTER: Correct.

MR. ARBOUR: If you remember.

A Well, inasmuch as he said the church is concerned with the needs of the people, if that's religious content.

BY MS. HUNTER:

Q What about Question 16, "Is the church against all abortions," and the response is "Previously answered." My understanding of your testimony is that that phrase "Previously answered" refers to Father Creedon's presentation; is that correct?

A That's correct.

Q Was there religious contents to Father Creedon's answer to that question?

A Yes, because the religion – It is a religious question asking specifically for the church's viewpoint.

Q Would it then be correct to say, Ms. West, that when the phrase "Previously answered" was used in these questions and answers in Cullen Exhibit No. 5 there was no distinction made on this document or in this document between answers which had contained religious contents and the answers which had not [218] contained religious contents?

A That's right, and no distinction between answers that were given on that piece of paper and the answers which came in various presentations and group discussions.

Q All right. In the testimony that was elicited by Mr. Hirt, I believe that he asked you about the language in one of the documents in terms of values that could have come up in the course of dealing with the Advisory Groups, and I recall that your testimony was that it always comes up whether to do a presentation on contraception and that so far each group has wanted to have such a presentation; is that correct?

A That's correct.

Q If such a group did not want to have a presentation, would it be correct if such a presentation would not be presented to that group?

A That is correct.

Q Okay, and I also understood that you testified that it was your understanding that the Advisory Group and that the participants might want to bring up the topic of religious values or their own religious beliefs; is that correct?

A Uh-huh.

Q Would it be correct to say that bringing up such religious beliefs would be likely to occur in the small group

[219] sessions, so that would be one place?

A That's right.

Q So, those would be the small group sessions facilitated by the staff facilitators; is that right?

A That's right.

Q What would be the role of the facilitators when a member of the small group brought up his or her religious beliefs with regard to sexuality?

A The role of the facilitator would be to continue to facilitate, which implies a nonjudgmental attitude, not imposing one's own values on the group, but getting group discussion going on that subject and asking others what they thought.

Q So, trying to develop the discussion on any topic, including religious topics that the participants might bring up; is that correct?

A That's correct.

* * * * *

[221] Q Did you attend the sessions that were held at St. Mark's?

A Yes, I did.

Q Did you attend the final session of that program?

A What do you mean by—Yes, I did.

Q Were the evaluations of the Catholic Charities Program distributed at some point during that final session?

A Yes.

Q And they were collected?

A And they were collected.

Q Following the collections of those evaluation forms, did Father Hortum make a religious presentation?

A Yes, he did.

* * * * *

[228] Q Directing your attention to Exhibit 13 and the page titled "Session IV, February 22, 1983," this is the

page that reflects Father Creedon's presentation on church and community values and then the breaking up into individual groups?

A Right.

Q Were those individual discussion groups facilitated by the facilitators?

A Yes, they were.

Q Was the purpose of those groups to discuss the discussion questions as they are reflected on this page?

MR. HIRT: Let me clear this up. Technically, you are outside of the previous examination, but go ahead. I'm not as much of a technician as you are.

[229] A Yes. They were suggested questions for the facilitators to help them to get out the reactions of their group members to the presentation, which had been given by Father Creedon.

BY MS. HUNTER:

Q These sessions that the facilitators did were for—and I'm reading now from the document—for each parent and teens in discussing how Catholic values fit into their lives or influence their final decisions; is that correct?

A Yes. As I say, these were suggested questions.

Q Do you consider that not to be the promotion of religious values?

A Exactly. I consider it not to be the promotion of religious values.

Q All right. Why?

A Because our facilitators are not promoting any religious values in these sessions. They are simply getting the reactions of the participants to a lecture they have just heard.

Q And part of the facilitator's job, as I have understood your previous testimony, is to encourage the development of discussion and keep the group focused on certain topics; is that correct?

[230] MR. ARBOUR: Counsel, I don't know that she's exactly said that, but she certainly has talked about what the value of the small groups is and she can answer if she would like to elaborate on that.

A It is to encourage discussion and participation of the people who are there.

BY MS. HUNTER:

Q So, it would be fair to say then that the role of the facilitators on February 22nd, 1983 was to encourage discussion of the topics as they are reflected in that document; is that correct?

A Well, as I said before, these are suggested questions for facilitators and the purpose was to get discussion on the lecture the people had just heard from Father Creedon.

Exhibit 4

Excerpts From Grant Proposal of Catholic Charities of Arlington

IV.B. 3. INNOVATIVE FEATURES OF THE PROGRAM

1. *Outreach to Sexually Inactive and Pre-pregnant Adolescents*

Previously Catholic Charities of the Diocese of Arlington, Inc., has served only adolescents who were pregnant and came to the agency for services. This program will offer outreach to a group unserved by this agency in the past—the sexually inactive and sexually active adolescents at risk for becoming pregnant. Our engagement in a program to prevent pregnancies, rather than solely to deal with those which occur, is new for this agency.

2. *The Settings*

A family life/sex education program has not been held before in the Catholic Diocese of Arlington. Programs will be held in Catholic schools and religious education classes using church facilities. The project will document the problems, successes, and issues associated with implementing such a program in a large privately-sponsored school setting.

* * * * *

4. *Community Planning*

Two common reasons for opposing sex education courses among the Catholic community of Arlington and to a large extent by other religiously-oriented people and groups are the fear that such information will encourage adolescents to become sexually active, and the fears of parents that the values segment of the courses (if any, as many courses include no value judgments) will not support the values of church and home. The cooperation of church

leaders and parents in planning the program will assure them that the values they view as morally and socially acceptable will be incorporated into the presentations to be offered. The material will be an outcome of the project and available for adaptation by other agencies nationally. The National Family Clearinghouse of the Catholic University Family Center will support the dissemination of these materials.

* * * * *

VIII. DESCRIPTION OF CLIENT POPULATIONS TO BE SERVED, RECRUITMENT METHODS, AND SELECTION CRITERIA

The adolescents to be served are students in Catholic schools grades 7-12; and students in other schools who attend religious education classes in Catholic parishes in the Diocese of Arlington. The families of these students will be served as well.

Recruitment will be done through letters and visits to pastors, directors of religious education, school principals, parish, and school parents' groups, and others, as appropriate. Following this, letters will be sent to families whose adolescent sons and daughters attend the schools or religious education classes sponsoring the program.

We propose to begin with two pilot programs; one in a rural area and one in a suburban setting. Following completion and evaluation of the pilot programs, we plan to offer the course more widely.

These client populations were selected because: 1) they represent a group previously unserved by this agency; 2) it is from this group that most of the pregnant adolescents served by this agency come; 3) it is this group which most needs preventive services; and 4) we can find them gathered together at convenient times and places.

Exhibit 5

NEWS RELEASE
November 29, 1982

CONTACT: Elizabeth N. West
591-5921

BISHOP ANNOUNCES GRANT TO CHILDREN'S SERVICES

At the October 27th meeting of the Diocesan Priests' Council, Bishop Thomas J. Welsh announced that a grant of $75,000 has been awarded to the Children's Services Department of Catholic Charities of the Diocese of Arlington by the Office of Adolescent Pregnancy Programs of the U.S. Department of Health and Human Services.

The grant which may be renewed yearly for five years, is given for a new course in family centered sex education which will be offered to parish religious education programs after the first of next year. The project will be the subject of ongoing evaluation and research by a team from the National Center for Family Studies of Catholic University, headed by the Reverend Steven Preister.

High school age youth and their parents will be involved in the course which will include communication skills, values, factual information, consideration of the consequences of behavior, marriage and parenting. As federal grant money may not be used to teach religion, Charities staff will be coordinating efforts with pastors, directors of religious education and other Diocesan offices as appropriate to provide the religious dimension.

Elizabeth West, Coordinator of Children's Services and project director, says "We plan to consult with parents, pastors, parish staff and youth in the parishes in order to tailor the program to the needs of each."

Parishes wishing further information should call Father Gerard Creedon, Executive Director of Catholic Charities at 841-2544 or Elizabeth West at 591-5921.

Deposition Excerpts of
Anne Ridder,
Formerly Religious Education Coordinator,
Good Shepherd Catholic Church

[Direct Examination by Ms. Hunter:]

[8] A I'm a parishioner there.

Q What's the address of that church?

A The church itself or the mailing address?

Q Where is the church built and located?

A In the Mount Vernon Area.

Q How long have you been affiliated with the church?

A Four and a half years.

Q Now, was there a period of time when you were the Religious Education Coordinator?

A Yes.

Q When was that?

A From January 1980 until this past December 1st.

Q Was that a paid position?

A Yes, it was.

Q Was it a full-time position?

A Yes.

Q Were you employed by Good Shepherd Catholic Church prior to January 1980?

A Yes, as a part-time secretary.

Q How long were you employed as a secretary?

A September until that January period.

Q So, just for a few months?

A That would be about five and a half months.

[9] Q Did you receive any training for the job of Religious Education Coordinator?

A I have 18 years of volunteer experience and a Bachelor's Degree in Education. More currently, I worked on a Master's Degree at Georgetown University with an emphasis in Theology and Humanities.

Q Did you receive any specific religious training for the role of Education Coordinator?

A Not specific. You have an opportunity to go to workshops of interest. I have attended probably annually two or three workshops.

Q Are those workshops presented by the parish or Diocese?

A The Diocese, and there is an East Coast National Conference, because it is in Washington, that I attend annually.

Q Now, what has been marked as Ridder Deposition, Exhibit No. 2 is titled "Role of the Coordinator," if you could refer to your copy of that, is that a description of the position of Religious Education Coordinator at Good Shepherd Church?

A This was an initial job analysis prepared in the fall of '79 for anyone who would take the job and then it has (10) been marked up, as you can see, considerably. It was never officially revised. It, generally, would be a job description for that role and for the role I filled.

Q Did that job involve religious education functions for both adults and children?

A Yes.

Q Who was your supervisor in the job?

A The Pastor.

Q Who was the Pastor at the time that you were Religious Education Coordinator?

A Father Gerry Creedon.

MR. ARBOUR: Could you spell that for the Court Reporter?

THE WITNESS: C-r-e-e-d-o-n.

BY MS. HUNTER:

Q Did you work with any other staff employee at the parish?

A We have a Pastoral Team and that's the Pastor, Associate Pastor, myself, Liturgical Coordinator, Music Coordinator and the Secretary.

Q Who was Associate Pastor at that time?

A At that time Father George Griffin—well, when I started—and Father Pat Holroyd.

[11] Q How do you spell his last name?

A H-o-l-y—H-o-l-r-o-y-d.

Q Did you supervise any employees in that position?

A There is a part-time Secretary that staffs the Parish Center. She's ultimately supervised by the Pastor. She worked closely with the Liturgy Coordinator and myself. I was not her supervisor.

Q Who was the Liturgy Coordinator at that time?

A At that time Steve Miller and in the past year Tom Wilson.

Q Okay. Did you coordinate or work with any of the Religious Education Coordinators at other parishes?

A We have a diocesan group and we have bimonthly meetings. We don't work necessarily together in any programs. We met.

Q Would it be fair to say that your responsibilities in your job as a Coordinator included the facilitation of religious education that is consistent with the tenets of the Roman Catholic Church?

A Uh-huh—Yes, excuse me.

Q Did you supervise any volunteers?

A The word "supervised" would be inappropriate. I worked with volunteers and with the Volunteer Religious [12] Education Committee. The language—there's a lot of "implementing to assist" and "working together with." I was not in a supervisory role.

Q On the first page of Exhibit No. 2 under "Specific Responsibilities," the first responsibility, it reads "To encourage the role of the parents as prime catechists of their children." Is it your understanding that that is a principle of the Roman Catholic faith that parents should be the prime catechists of their children?

A That is of the National Catechetical Directory which is the American tenet or understanding of the

Catholic faith, and sharing it—That's the primary purpose of the catechist, to assist parents as the primary catechists.

Q Okay. Turning, if you would, to what has been marked as Ridder Deposition, Exhibit No. 3, if you would look at your copy of that same document?

A Yes?

Q Can you just briefly describe to me what this document is?

A This was prepared for the Religious Education Representative to the Parish Council. Each committee representatives was to provide a little nutshell explanation of their committee and this was the most concise way we could [13] share with the Parish Council the scope of the program and some statistics—you know, how many people are served. It is an over—a very brief overview of the Good Shepherd program.

Q When was this prepared, do you know?

A This would have been fall of '82 and then it was revised again, and the chairperson used it again in '83.

Q Now, if you would direct your attention to what has been marked as Ridder Deposition, Exhibit No. 4, which is titled "The Handbook for Catechists," first could you tell us for the record what the word "catechist" means in your understanding?

A It is another word for teacher. There is a little Greek in it that somehow in your teaching you are echoing in the student a shared faith and understanding.

Q Describe to me briefly, please, what this document is (indicating)?

A This we sent to new volunteers sort of as a welcome and we quoted quite a bit from the National Catechetical Directory about generally what catechists do, and then gave some specifics of what the parish would hope from a volunteer in the program and then listed the staff, and then important dates in the back.

[14] Q Referring to those important dates, do you know what year this was?

A This is—this one we gave out in the—this fall in '83. It is a rewrite of most of the—the center part is the same from '82 and then we changed the dates from the different programs.

Q So, this handbook or a very similar handbook was essentially prepared each academic year; is that right?

A Right. This is just the second time. We started it in '82 and then did it again this year.

(A document was marked as Ridder Deposition Exhibit No. 5 for identification.)

BY MS. HUNTER:

Q Showing you, now, Ms. Ridder, what has been marked as Ridder Deposition, Exhibit No. 5, do you recognize that?

(Handing to the witness.)

A Yes. Yes, that was a letter written after we had the first sex education high school program sort of commending Catholic Charities for their presentation and encouraging them, if they had time and could help us again, that we would be very eager to have that.

Q Have you ever written any letters other than this [15] one about the Catholic Charities Program?

A To Catholic Charities?

Q To anyone.

A I think I probably cosigned the letters—We sent a letter to the families of the high school students encouraging their participation. My name was probably listed as one. I haven't looked at the filing of—We have high schoól files and junior high school files at the parish, so I'm not sure how many letters there might be, but they were mostly to invite people to take the course.

Q Other than letters of invitation, have you written any other letters concerning this program that you remember?

A No, not that I know of.

Q I take it the letters of invitation are no longer in your possession; is that right?

A No.

Q But would be at the parish?

A If there are copies. I'm not sure what is in the high school packet piece by piece.

Q In this document, Exhibit No. 5, the first line refers to "High School Religious Education Program." Can you just describe to me generally what that is or was at this time?

[16] A The High School Program was—it combined seminars, this type of a seminar for this particular year, a class once a month, a small group class by group level, and then a once a month rally—what we called a rally where all four grades, nine through twelve, had a rally with a particular topic and that was held the first Sunday night of each month. So, they had—the teenagers would have the opportunity for a rally, a class and once a year some kind of seminar on a topic of interest and then they could also participate in the youth activities that were sponsored by the Youth Group.

Q All right. So, am I correct in understanding that the seminars occurred once a year in the high school group; is that right?

A A seminar format of some type during the four years I was there occurred.

Q So, every year there would be perhaps a different topic for the seminar; is that correct?

A Yes.

Q Were they done at approximately the same time of year every year?

A No. It moved around. The first year I think there were three seminars and they were Sunday afternoons. What we called a "seminar" was just a two-hour afternoon three times a [17] year. The next year we put the classes in

the fall and the seminar in the spring, and then this year we just had one seminar and it was originally scheduled just to be a three-session seminar. So, the format shifted each year with the leadership, because there is a High School Coordinator who works out their program, but it varies from year to year.

Q What were the topics of the high school seminars in the years that you were Religious Coordinator?

A They varied all over the place. We had a sexuality—the afternoon sexuality seminar one of the years. We had one on vocation, which was the single life, the married life, the religious life. If I thought long enough, I could remember. It was topics of interest to—Career choices, how to make a decision for a career.

Q I see, and the classes were held once a month; is that right?

A Yes.

Q Each class was on a different topic or there would be a series of classes on the same topic?

A By grade level. Each grade level had a theme for the year.

Q Okay. Who was the High School Coordinator?

A Which year?

[18] Q Well, for the year in which the Catholic Charities Program was presented, who was the Coordinator; do you remember?

A We had two. We had Ann Flynn, who started the year and had to resign in December of '82. Then there was nobody for several months and then Jean Rymiszewski resumed the role at the end of January and held it together until May, and then we had Connie Hollowell who took over from her.

Q Now, your letter says in the first paragraph that "This seminar builds on our previously successful but limited one-day sexuality seminar for high school students." By that sentence, did you mean that the

Catholic Charities Seminars built on the previous successful sexuality seminars?

A Uh-huh.

Q Okay, and when had the one-day sexuality seminars been held?

A Those were the ones I mentioned. They were in the afternoon, Sunday afternoon in—let's see—in '80 and '81. I'm not sure if they were fall or spring and there were two two and a half hour seminars in the afternoon.

Q All right. The first sentence in the letter says, "The year ends evaluation of our High School Religious Education Program includes the successful review of"—and it [19] goes on to mention the Catholic Charities Program. Was there a separate written document that was the year ends evaluation?

A For our whole program?

Q Yes.

A No.

Q So, when you use the phrase "year ends evaluation," you meant a sort of general contemplative review; is that correct?

A Right.

We have monthly education review meetings where we sit around and pat ourselves on the back and at the end of the year you sit around, and it is a May or June meeting normally, and you sit back and say what worked and what didn't work, what will we repeat.

Q This is meetings of what group?

A The Religious Education Committee.

Q How exactly did the Catholic Charities Program fit in with the Religious Education Committee's review of this program?

A Just that it came up as being something that was very good, a success that we were glad that we participated in.

Q Was it part of the Religious Education Committee's [20] Program?

A They sanctioned it or approved that we would have it.

Q When you say that, you mean the Religious Education Committee?

A Yes, uh-huh.

Q Do you remember the context in which that review happened?

Well, let me be more specific. Was this at a regular monthly Religious Education Committee meeting?

A Yes.

Q Who were the members of the Religious Education Committee?

A They—They are listed on this document here (indicating). Generally, they are chair program people.

Q To make sure we are talking about the same document, I believe that is Ridder Exhibit No. 3 (indicating)?

A Yes.

Q Okay. Go ahead.

A The Committee is composed of program chair people, liasons, program support and the leader is the person who is the chair person and rep to the Council, myself as Coordinator, two consultants and the Pastor.

[21] Q Okay. So, the only employees of the church who are on the Committee are yourself and the Pastor; is that correct?

A And the consultants are paid.

Q The consultants are paid. Are those full-time positions of the church, the consultants' positions?

A No. No.

Q Okay. Now, did you consider the sexuality seminar that was held in 1980/81 to be a successful program of the Religious Education Committee?

A Yes.

Q Was there any plan to repeat that program?

A The year that we were planning to repeat it was in this program year of 82/83, and we had proposed a three-session program that would include parents.

Q That was the year that you had the Catholic Charities Program?

A Yes.

Q So, in a sense the Catholic Charities Program was sort of substituted for the previously planned sexuality seminars and the Catholic Charities Program was sort of built onto that?

A Well, it built on it. We were moving from two two and a half hour afternoon sessions with just teenagers to [22] three sessions that would include parents. Then when I was in contact with the Children's Services Department for assistance we were able to even expand further and have them actually facilitate a program.

Q So, the Catholic Charities Program really enabled you to expand even more than you had planned to?

A Yes.

Q Had there been any sexuality seminars held at the parish to your knowledge since the Catholic Charities Program?

A We had had the six sessions and then had put in a request for the program for junior high school students and that was held in the fall.

Q Do you know how many teenagers attended your first sexuality seminar in 1980/81?

A About 40.

Q Do you recall how many attended the one when it was done by Catholic Charities?

A Let me see. About 70 families.

Q Right, and do you know how many attended the second Catholic Charities Program for junior high school students?

A I don't have a definite figure. It would be a guess to say about 40 to 50—no, it would be higher than that. Probably 70 or 80 families for junior high.

[23] Q Now, in the first sexuality seminar, who conducted the seminars? Who led them?

A Betty West would—

MR. ARBOUR: (Interposing) This is the first non-Catholic Charities one that you are referring to; is that correct?

THE WITNESS: I didn't understand. The seminar held prior to this one?

BY MS. HUNTER:

Q That's right. I'm referring now to the one held on Sunday afternoons in 1980 to '81.

A Those were conducted by the High School Coordinator, who would open it. Then we had—would invite a doctor. I guess one year it was just a doctor—a physician came. Another year there was a physician and a married couple, and I did not attend either of those seminars in full. I was there, I think, at the closing of both of them.

Q Can you tell me in general what the purpose of those seminars were and, again, I'm going to ask you a set of questions about 1980/81.

A This would be a very general review, because they were—like the '81 one was planned really before I was on board or had been conceived. The general idea behind it, as I [24] see it, was to offer in a peer setting in a very free setting an opportunity to learn more about total sexuality, the whole person, and we had been told by the teenagers they had some sex education in their high school, but that it was limited to a short period or often was girls with girls or boys with boys and they wanted a time when all the teenagers could be together and sort of a no holes barred, I want to know all about everything and no questions that we can't have answers to, that was the intent, and to be put

in a setting of trust that perhaps with their high school program they wouldn't feel.

Q Would it be correct to say that the presentations at this high school seminar were consistent with the tenets of the Roman Catholic Church on sexuality?

MR. HIRT: I object. I think you are leading the witness and I don't know that anyone can define what consistent with the tenets of the Catholic Church means. Certainly, there has been no foundation laid that she is an expert in the teachings of the tenets of the Catholic Church whether they be unitary, regional or diverse.

MS. HUNTER: Well, for the record, I think that her position as Religious Education Coordinator and her understanding as has been reflected already to be implicit in that position gives a foundation for the question, but I will [25] rephrase the question.

BY MS. HUNTER:

Q Was the sexuality seminar in 1980/81 part of the program of the Religious Education Committee of the Good Shepherd Church?

A Yes, they approved it.

Q When you say, "they," do you mean the Religious Education Committee?

A Yes, uh-huh.

Q Was it part of your job as Religious Education Coordinator to implement the program that that Committee approved?

A I didn't personally implement it. The high school chair person did. I saw that it happened and was assisting in any way that was needed.

* * * * *

[70] Q Okay. Now, did Father Creedon speak to the group at any time during the Catholic Charities Program?

[71] A One of the sessions was set aside just for his presentation, which was not a part of quote "their program."

Q Did you attend that session?

A Yes.

Q Did he address that session with everyone in one group? Was that true for the time that he addressed that session?

A Yes.

Q Were there other presentations made during that same session?

A They broke following his presentation. The groups broke into their usual groups and I don't know if the followup was related to his presentation or was a separate small group discussion format.

Q Who conducted the small group discussions?

A The same facilitators who had been working with the group.

Q The Catholic Charities' facilitators?

A Yes.

Q What did Father Creedon say during his presentation at that time?

A He gave an overview on—his opening premise was 'You want to know the church teachings on sexuality.' He put [32] it right back in there laps and said, 'You are the church. You people sitting here are the body of Christ. The teachings of you and the things you value are, in fact, the values of the Catholic Church.'

Then he clarified his position and said that whenever he spoke, it had to be remembered that he spoke as an individual and that he was—you know, there are no quote "teachings of the church" that he was going to, you know, read off in a list, but he as a member of the church, as everyone else, wanted to cover topics that had surfaced as being of interest. Then he touched on a number of topics that had been raised as questions in the course of the seminar and gave his opinion and reminded the people that they would be free to—they could talk to another pastor of another denomination or another pastor of

another church who may have a slightly different view, but what he talked about was the values that he all felt we held in common in terms of sexuality and relationships and problems.

He talked about societal problems and, you know, why society tries to gather together and help one another through difficult times. He did not—I know he talked about living together, because that's very much on teenagers' minds. They have brothers and sisters that are living together, and he [73] said that they have to have compassion and understanding, you know, even if something seems not to be right. He discussed homosexuality in very general terms and, again, you know, expressing a nonjudgmental attitude.

Q When—

A (Interposing) It was a cautious kind of presentation, because he had—he was relating not only to parents, but to the youth and encouraging an interplay between them. He alone was not going to stand up and be—it was not an instructive type of presentation.

Q When you say "living together," by that do you mean a man and a woman living together and having a sexual relationship, but not being married; is that right?

A Not being married, right.

Q Is that what you are referring to?

A Yes.

Q On the topic of homosexuality, did Father Creedon convey that homosexuality—active homosexuality is not to be encouraged or supported?

A He did not give an opinion. He just recognized that it is a problem of concern to society, that there are many ways to look at it, that the church including all of us has to deal with it in compassionate ways and be supportive of people [74] which need help in that area.

* * * * *

[120] Q Let me ask you one more question about Father Creedon's speaking.

A Yes?

Q I believe it was your testimony that one session was set aside, but you used the term that this was not part of quote, "their program." What did you mean by that?

A They had no responsibility for preparing that night. They could come or not come.

Q Who is "they"?

[121] A The Children's Services Group for the presentation. They didn't have to prepare a presentation or prepare for him. He was the prime presenter that evening.

Q In terms of the December meeting that you described, was there any discussion by the Catholic Charities people about what the role of Father Creedon would be in this program?

MS. HUNTER: Could you clarify what December meeting you are talking about?

MR. HIRT: December '82, I believe, the planning meeting.

A The planning meeting. I don't think we discussed his role, per se. It was agreed at some point—and I don't know if it was then or before that point—that one of the sessions would be a presentation by the Pastor.

BY MR. HIRT:

Q Okay. What individuals from Catholic Charities, if any, said anything that led you to believe that this was not, quote, "part of their program"? Can you recall a conversation by Ms. West of Ms. Mudd or—

A (Interposing) Is just what I would assume. You know, if he's one, it's not my night to have—to present anything.

[122] Q By "my night," you mean who?

A You know, if it is the Pastor's night to give a presentation, I'm assuming that Catholic Charities thought they

didn't have to prepare anything programmatically. They did leave for that evening a segment of small group discussions that they had prepared for, but they were not responsible for any part of his presentation.

Q Okay. When Father Creedon spoke, from your direct testimony I believe you said something to the effect that he spoke as an individual. Could you recall precisely what he said to characterize how he was speaking and what role he was speaking in?

A Again, this is just from memory, but at any time he speaks he makes it very clear he's speaking as Jerry Creedon, whose vocation is priest, but he's speaking as an individual and not for a particular group or the Diocese of Arlington or any—but, there are sure times in his role with other groups or maybe in behalf of a committee or in behalf of something that he does, but he always outlines that 'I'm speaking on behalf of a group,' or 'I'm speaking as an individual.'

This particular night he said, "I'm speaking as a baptized Catholic and Christian, Jerry Creedon. These are my views."

* * * * *

[127] Q I think I have one or two more questions for you. Let me just make sure.

In terms of the presentations by Reverend Creedon, were there any prayers during the course of those sessions that you recall?

A I would like to honestly say there was or wasn't. It would seem logical to me that he would have probably closed with some sort of prayer closing.

Q But is it your testimony that you don't know one way or the other?

A I don't know.

MR. HIRT: That's all the questions I have.

MS. HUNTER: I have a few questions on redirect.

FURTHER EXAMINATION BY COUNSEL FOR THE PLAINTIFFS

BY MS. HUNTER:

Q Ms. Ridder, you testified, I believe, that you had heard Father Creedon speak numerous times before the Catholic Charities Programs; is that right?

A Most every Sunday.

Q On a number of those occasions, he had identified [128] himself as speaking as an individual; is that right?

A Yes.

Q So, what I'm getting at is his presentation in Catholic Charities Program was not the first or only time you ever heard him present himself that way; is that correct?

A No.

MR. ARBOUR: Is that correct?

THE WITNESS: Oh, yes, that is correct.

Exhibit 5

GOOD SHEPHERD CATHOLIC CHURCH
3321 WESSYNTON WAY
ALEXANDRIA, VIRGINIA 22309

June 27, 1983

Dear Mrs. West, Coordinator – Catholic Charities
Childrens' Services,

The year-end evaluation of our High School Religious Education Program *includes* the successful review of the six session Parent/Teen Sexuality Seminar planned, moderated, and facilitated by Catholic Charities Childrens' Services. This seminar built on our previously successful but limited one day sexuality seminars for high school students.

Our initial request on Sept. 16, 1982 stated, "We hope that at least 75 families – parents and teens – would take part in an extended series that would include basic sexuality information (anatomy, physiology,) gender identity, development of relationship, communication skills, ethical choices and responsible decision making. It is our hope that such a seminar would enhance previous information the student might have received through school or community sexuality courses since it would be situated and presented in a church setting and be family oriented in its format."

The Seminar provided by your Childrens' Services department in conjunction with our parish advisory group *met* and *exceeded* our initial hopes for such a seminar. Positive feed-back by participants and an overall parish interest in this first extended seminar on sexualitly pointed out the overdue need for such a seminar to be sponsored by the parish.

Over 70 families with their high school sons and/or daughters attended the sessions. It is noted that the highly qualified Childrens' Services facilitators were furthered trained to function as a team to implement the plan for each session. This additional, specialized sexuality preparation certainly enhanced the overall program. The immediate evaluation following each session by the facilitators and parish advisory group provided useful sharing of ideas, reactions and led to long range planning. The facilitators were flexible to our parish needs and adapted the seminar plans as it progressed to meet these needs.

Parents of junior high students made early requests for a similar seminar to be planned for them in 1983-84. The parish religious education committee values the quality of sexuality education that Childrens' Services is able to provide and plans to utilize this professional service in our community in its planning for grades 7-12.

It is our hope that your funding is continued so that with your assistance we can continue to offer youth and their parents the most current, accurate, and challenging material to help them communicate and grow together as healthy, happy, and responsible individuals and families.

Thank you for your professional/educational involvement with our parish. May it continue!

Sincerely,

/s/ ANNE RIDDER
Anne Ridder,
Religious Education
Coordinator

Deposition Excerpts of
Linda Ann Cullen,
Case Worker, Children Services Department of
Catholic Charities Diocese of Arlington;
Group Facilitator, sexuality program
offered by Catholic Charities

[Direct Examination by Ms. Hunter:]

[46] Q Were all the programs conducted in buildings owned by the church?

A To the best of my knowledge, yes.

MS. HUNTER: Let's mark this as Exhibit 1.

(A document was marked as Cullen Deposition Exhibit No. 1 for identification.

[47] BY MS. HUNTER:

Q I'm showing you what's been marked as Cullen Deposition Exhibit 1. Can you tell me what this is?

(Handing to the witness.)

A Yes. This is the opening welcome speech, which Mrs. West usually gives, but which at St. Anthony's I gave because she was out of town.

Q Who wrote this?

A Mrs. West.

Q When was it given to you?

A Prior to the beginning of the St. Anthony's course.

Q Is this the only time that you have given this particular welcoming presentation?

A Yes.

MS. HUNTER: Would you mark this as Deposition Exhibit 2?

(A document was marked as Cullen Deposition Exhibit No. 2 for identification.)

BY MS. HUNTER:

Q Showing you now what's been marked as Cullen Deposition Exhibit No. 2, do you recognize that document?

(Handing to the witness.)

[48] A Yes, I do.

Q What is that?

A The outline of the program to be given at St. Anthony's.

Q Could you just look at it for a minute and tell me if that's an accurate outline of the program that you were involved in at St. Anthony's to the best of your recollection?

A Yes, it is, although some of these activities may have been deleted. I can't quite recall. We do often run into timing problems and have to cut short a particular activity.

Q Okay. Could you look at the second page of this outline, the very bottom, and it says, "November 3rd—Program to be planned by St. Anthony's Advisory Group." Can you tell me what that sentence means?

A It means that the St. Anthony's Advisory Group, after we concluded, wanted to have a session separately to deal more specifically with any religious aspects of sexuality.

Q Do you know whether that session was held?

A Yes, it was.

Q Did you attend that session?

A No, I did not.

[49] Q Do you know who did attend that session?

MR. ARBOUR: Who did?

MS. HUNTER: Who did, yes.

MR. ARBOUR: Just in general?

MS. HUNTER: Yes.

A Any members of St. Anthony's or the community that might want to, in general, I suppose could attend it. My guess would be mostly the participants who participated in our program attended.

BY MS. HUNTER:

Q Do you know who did the presentation at St. Anthony's on November 3rd?

A You mean who was the speaker or whatever?

Q Yes.

A Father Gene Schnipky, I believe.

* * * * *

[56] Q Okay. Now, if I could direct your attention to the penciled Page 4 of Deposition Exhibit 4, the last activity that's listed on that page says, "Students write questions anonymously." Was that one of the activities that you used at St. Anthony's?

A Yes.

Q Can you explain to me briefly what that was, what they were told to do and what the questions were about?

A Okay. They were told to complete their tests and then before they left for the evening to take the three by five index cards, which we had provided them, and to write a question about anything regarding sexuality that they would like to have answered and to put the cards in the shoe box provided as they left.

Q Has this been done at each of the programs that you have been a facilitator at?

A Yes.

Q What happens to the cards?

A They are then taken out and all the questions are typed, and it is distributed to both the teens and the [57] parents. These are the questions that the participants in the program have and either the question will be answered in the course of the program or we'll provide a written answer for those that are not covered, or if they pertain to religious matters, they will be handed over to the person who was going to conduct the program when we leave, the religious consultant.

Q Has that process been followed in all the programs so far?

A Yes.

MS. HUNTER: Could we mark this as Cullen Exhibit No. 5?

(A document was marked as Cullen Deposition Exhibit No. 5 for identification.)

BY MS. HUNTER:

Q I'm showing you what's been marked as Cullen Exhibit No. 5. Do you recognize that document?

(Handing to the witness.)

A Yes. It is Questions and Answers from one of the programs. Oh, it says, "Good Shepherd" at the top.

Q Were these the questions that were compiled by the procedure that you just described? In other words, these were the teenager's questions—

[58] A (Interposing) Or their parents.

Q (Continuing)—or their parents?

A Yes.

Q Who compiles the questions?

A You mean who types them onto here (indicating)?

Q Yes.

A We take the cards back to our office and the secretary takes each three by five card and then types it and then throws it away.

Q You said earlier that the questions that were religious were referred to the session at which a religious presentation was made and they were not answered. Who makes the determination about whether or not a question is religious?

A I would say specifically Betty West and Pat Mudd, although if there were a question they might ask other facilitators who might be there.

Q Who writes the answers to the extent that there are substantive answers?

A Usually Betty West and Pat Mudd.

* * * * *

[61] Q Now, let me show you what has been marked as Cullen Deposition Exhibit No. 6. Do you recognize this document?

(Handing to the witness.)

A Yes, I do.

Q What is this document?

A The questions from the participants at St. Anthony's and the answers to the ones not previously covered.

Q Was this document prepared essentially by the same process that you have previously described for the others?

A Yes.

Q Now, on the first page of Document No. 6, the second question, is that the question that you were thinking about earlier with regard to tampons?

A Yes.

Q Do you remember that?

A Uh-huh.

Q So, the answer there was the product of some [62] discussion among the facilitators?

A Yes, and I might give some background. We reworded the question a little bit, because the young lady that answered that—

MR. ARBOUR: (Interposing) That asked it?

A (Continuing)—that asked the question actually worded her question—rather than "some people say," she said, "My mother says decent girls aren't supposed to use them," so, the discussion as to the answer was how to give the information and yet at the same time should we change the questions to "some people" to protect the confidentiality, and we did do that and we were aware in the answering of the question that it was her mother who told her that decent girls don't use tampons.

BY MS. HUNTER:

Q Directing your attention to the last sentence in that answer, "For example, acceptance of tampons is documented in Fundamental Marriage Counseling—a Catholic Viewpoint." Those last few words, the beginning letters

are capitalized. Is there a document called, "Fundamental Marriage Counseling – a Catholic Viewpoint"?

A I really don't know.

Q Can you tell me what it refers to?

[63] A No.

Q Do you have any recollection from your participation in formulating the answer?

A The only part of the answer that I was involved in were the discussions regarding, as I previously mentioned, whether to change the wording of the question and to be sensitive to the fact that it was this girl's mother who in fact was giving this girl this information.

Q I see. So, you don't have any knowledge about what this reference is in the last sentence of that answer?

A No.

Exhibit 6

QUESTIONS – ST. ANTHONY' PARISH COURSE

1. I am curious about the idea of female masturbation. I am not sure how that goes.

   Female masturbation is the self stimulation of the genital organs, primarily the clitoris to produce sexual excitement and often orgasm.

2. Is it bad to use tampons? I know there are dangers like toxic shock; some people say decent girls aren't supposed to use them.

   Toxic shock syndrome is a rare disease believed to be caused by the bacteria Staphylococcus. In 1981, 85% of cases reported were to menstruating women using tampons. Young women seem to be more susceptible to this disease. The incidence of toxic shock syndrome is 17 cases per 100,000 users. Symptoms are a sudden high fever, vomiting, diarrhea, rash, dizziness or fainting. The use of tampons in an individual decision. However, if you choose to use tampon, they should be changed every 4 to 6 hours. Young women who have never had intercourse have a natural opening in the hymen (the membrane covering the opening to the vagina) that allows room for the insertion of a tampon. Some cultures may object to the use of tampons as they are opposed to women touching their genitals. The subject of tampons and virginity has been investigated by religious authorities in this country with resultant approval of the use of menstrual tampons. For example, acceptance of tampons is documented in Fundamental Marriage Counseling – A Catholic Viewpoint.

3. What do you think is a sufficient amount of time for a young couple to be engaged before they get married?

   An engagement is a pledge to marry. The wise couple uses the engagement period to get to know one another well and to evaluate their relationship. There are many issues which need discussion and resolution. The time needed to be ready to marry may relate to how long a couple knows one another previous to the engagement and how will they communicate. Many advise that six months is a reasonable time.

4. Why does one parent listen or talk more openly with his or her child?

   Most parents want to talk openly to their children. However, communication skills come more easily to some than to others. There are courses available in the community, such as P.E.T. and S.T.E.P. which can help to improve communication in a family. Communication is a two way street. Teens, as well as parents, can take some responsibility for encouraging open sharing of feelings in a family.

5. How does natural birth control work?

   When using natural birth control, a couple avoids sexual intercourse during the time in the woman's cycle when she can become pregnant. A woman ovulates, or releases an egg, about fourteen days *before* her period. Most experts suggest a woman avoid intercourse during the possible period of ovulation. Advocates of "Natural family planning" point out that it is important to go beyond the old "rhythm" or calendar method of calculating fertility and also it is important to be alert for signs of ovulation by noting the changes in a woman's basal body temperature and in her cervical mucous. This method of birth control does require [ILLEGIBLE].

6. Once kids have become sexually active do they usually continue to be?

   Not necessarily. Many teens who are called "sexually active" have intercourse once or very infrequently. Some find the experience disappointing. It depends on the individual and his/her relationships, values and experiences.

7. When a man comes in a girl, how long is it before the sperm gets to the egg?

   This can happen in a matter of a few hours, if the egg is in a fallopian tube. Sperm are capable of swimming at a rate of one to three centimeters per hour, unassisted.

8. Is it normal to have sex in awkward positions?

   Any position which pleases the couple is "normal".

9. It is physically bad to have sex?

   No, unless you contract a sexually transmitted disease.

10. What are the dangers of marrying too young: i.e., prior to finishing high school and/or college?

    When you marry very young you may be too immature emotionally for a long term committed relationship. In adolescence, you are still a rapidly changing individual. Your likes and dislikes, your perspective on life, your goals and interests may not yet be stable. Being young and inexperienced, you may be unaware of all the opportunities and possibilities life has to offer you, so you may soon regret having closed off many of your alternatives. Also, persons who marry too young rarely have enough money to support themselves adequately. It's hard to he happy when you're worried about paying the rent or having

enough food, putting gas in the car, etc. The divorce rate for teen marriages is very high.

11. What do you tell a daughter if she is really devoted to a boyfriend why she shouldn't have sexual relationships with him (discounting the religious reasons)?

    You might explain to her that you don't want her to get hurt; emotionally, if the relationship breaks off, or physically if she should contract a sexually transmitted disease. If a pregnancy ensues there will be serious consequences physically and emotionally. You might ask her if she is ready to handle the responsibility for all this? Is her boyfriend ready? Have they even discussed all the possibilities?

12. How available are birth control pills?

    Pills are available, however they must be perscribed by a doctor, either through a clinic or privately.

13. Does it hurt when you have intercourse?

    Normally, voluntary intercourse should not hurt. If a girl has a very small opening in the hymen, first intercourse may be uncomfortable. If a woman is not relaxed because of fear, nervousness, etc., intercourse may be painful.

14. Can you get V.D. from oral sex?

    gonnorhea of the throat (gonnorheal pharyngitis). The chance of syphilis may appear on the mouth or elsewhere on the skin.

15. How long does it take for the sperm to travel up the tube?

    A very short time. See question 2.

16. What exactly is a hysterectomy and how much do they cost?

    A hysterectomy is a surgical removal of the uterus. You would have to consult a surgeon about the cost, as it would depend on the reason for the operation, the difficulty of the procedure and the number of days for which hospitalization would be required.

17. What does it feel like to have sex?

    If one has intercourse in the context of a loving committed considerate relationship it feels very pleasurable. If the relationship is not one of love and commitment or if the partners are not considerate of each other, if the circumstances are such that the act is hasty and furtive, the experience may be very disappointing.

18. What are the kids being told about homosexuals?

    We haven't really dealt much with homosexuality in this course, although it will be dealt with in our last session. We would say that 1) no one really knows the cause of homosexuality, 2) a homosexual cannot usually be "cured", i.e., made into heterosexuals through psychotherapy 5) homosexuals have the same civil rights as persons with heterosexual or asexual preferences and 6) it is hurtful to make fun of, or otherwise persecute homosexual persons.

19. If you love someone is it OK to make love?

    Previously answered. What do you think now that you have had this course?

20. Is masturbation morally wrong (Catholic Church)? Why?

    Religious consultant will answer this question.

21. How far can you go on a date (morally) without having intercourse?

    Religious consultant will answer this question.

22. Is it bad to have six orgasms during sexual intercourse?

    No, but it would be unusual.

23. What do you do when you get a girl pregnant?

    Get help. Don't try to deal with this alone. Talk to your parents. Catholic Charities is available to help young people in this situation to explore the alternatives for themselves and for the baby, and to see that you get the kinds of resources you will need.

24. How do you get rid of herpes?

    There is presently no cure for herpes. The virus "hides" in the victim's body between attacks, but never really goes away.

25. Is it true that when you get wasted, that the devil enters your body?

    Religious consultant will answer this.

26. Is rock music evil?

    Religious consultant will answer this.

27. Are there as many birth controls for men as for women? What are they?

    No. The condom is the only male contraceptive available at present. There is some research going on to develop a birth control pill for men.

28. What is V.D.?

    V.D. is venereal disease. The current term for venereal disease is Sexually Transmitted Diseases or

    STD's. For further details read the pamphlet distributed in this course.

29. What is S & M?

    S and M stands for Sadism and Masochism. Sadism is sexual pleasure from inflicting pain, Masochism is sexual pleasure from being hurt. Sadists and masochists often change roles, one time being the one who inflicts pain, another, being the one who is hurt. This is not considered to be very common nor normal.

30. What is oral sex?

    Any combination of mouths and genitals.

31. What is the normal sperm count?

    40,000,000 to 100,000,000 sperm per c.c.

32. How does abortion kill an unborn child?

    There are several different ways.

    1. Fetus is removed by a electric suction machine.
    2. A sharped curved curette (surgical knife) scrapes away the tissues of the baby. If baby is large enough, head is crushed with forceps and body is dismembered.
    3. Salt solution kills baby in uterus.
    4. Synthetic hormones start labor when baby is too young to survive delivery.
    5. Baby is removed surgically and killed or left to die.

Deposition Excerpts of
Jean M. Larson,
Formerly Youth Group Coordinator
at Good Shepherd Catholic Church

[Direct Examination by Ms. Hunter:]

* * * * *

[48] Q Okay. Now, if I could redirect your attention, if I might, to the original notes that you took that I believe you [49] testified that you took on Father Creedon's presentation, and that is Deposition Exhibit No.–

MR. ARBOUR: (Interposing) Seven.

MS. HUNTER: Seven, thank you.

BY MS. HUNTER:

Q These were notes that you took on the evening of February 22, 1983 about the presentation that he made that night; is that correct?

A That's correct.

Q Why did you take these notes?

A For my own personal records.

Q Did you take notes on other presentations that were made?

A No, I don't think I did. I was going to take them on Doctor Azcarate's, but I did not.

Q The first word there that says "feedback," can you tell me what does that mean for you, that notation?

A I don't recall. I would have to guess.

Q Sort of halfway down the page it says, "Bible versus Canon Law." Do you recall what that note signified?

A No. I guess I don't take very good notes.

Q The next notation reads "Is church against all abortions–yes, in general." The next word, I believe, is [50] "T-e-l-m-a"–

A (Interposing) No, "dilemma."

Q "Two lives involved." Is it your testimony that that word is "dilemma," and I was misreading it?

A Correct.

Q Okay. Farther down the page there is four lines that begin with the phrase "Birth control–okay–responsiblity," and then a reference two lines down to "American Bishops." Tell me what the next word is.

A "Diminution of guilt."

Q Can you tell me what was meant by that notation and what you recall he said along those lines?

A That in the birth control issue there is room for individual conscience and a sense of responsibility.

Q What did you mean by the reference to "American Bishops"?

A I don't recall.

Q Do you recall what you meant by the notation "Diminution of guilt"?

A No, I don't.

Q The next line is a notation as to "Chastity–responsible sexual behavior." Do you recall what that notation means–

[51] A (Interposing) Yes. That was his definition of chastity.

Q And the next page is a continuation of your notes on the same presentation; is that right?

A That's correct.

Exhibit 5

SEXUALITY SEMINAR PLANNING SESSION
WEDNESDAY, DEC. 8, 1982 – 7:30 P.M.

1. Opening Prayer and Introductions – Anne Ridder.
2. Resource, Program Proposal – Children's Services of Catholic Charities – Betty West
3. Review of Good Shepherd's Previous Sexuality Programs – Anne, Fr. Creedon and Pfeifers.
   a. Content, Format, Schedule
   b. Recommendations for additions or deletions from previous programs.

* * * * *

7. Closing Prayer – Fr. Creedon

Exhibit 6

NOTES – FIRST PLANNING SESSION – SEXUALITY SEMINAR, W DEC. 8, 1982

BACKGROUND: Betty West, Director of Children's Services of Catholic Charities, outlined her proposal and reception of a Federal Grant to facilitate sex education in light of the problems of teenage pregnancy. Media, statistics, research materials, training of facilitators in the area of sex education are among the many resources made available by her office and its grant. Pat Mudd, who works in conjunction with Betty, is willing to assist with our parish project.

Fr. Creedon, Anne reviewed the past three years' inclusion of sex education seminars, course content, special programs that were part of the high school's evolving curriculum.

GROUP BRAINSTORMING FOR CONTENT OF PROPOSED SEMINAR:

INFORMATION: to be given to both parents and students

consequences
sexuality and reproduction – physical, emotional, psychological
human growth and development – stages, different "speeds" of growth
making choices
developmental needs of teens
psychological dimensions of sexuality
Facts and Statistics
gender identity
contraception – types, statistics, health consequences
"living together" – effects, statistics, consequences
(further information may be shared based on the use of a "question box" during sessions)

ATTITUDES/VALUES – points to be raised, discussed

dare to be different
o.k. to say "no"
dealing with peer pressures
parental expectations – "double standard"
shared responsibility of sexes – roles, female and male
responsible choices – media, reading, TV, etc.
sex symbols, stereotypes
role models – self perception
attitude awareness – faithfulness, tenderness, toward life, toward body, toward persons (used, being used), commitment

SKILL DEVELOPMENT:

communication – parents, teens
friendship
affection – how to express it
evaluation of what you see, read
how to prepare *now* for the future – marriage (faithfulness, hard work)
intimacy

RELIGIOUS CONTENT:

procreation
grace of marriage, of all sacraments
permanency of marriage
contraception?
living together?
trust/faith/love
ideals
chastity
covenant/contract

GOAL SETTING: Drawing from the shared ideas of participants a goal was formulated that included these points – to give information, to share values/convictions so kids can make enlightened decisions.

GOAL: To give information and to enable the sharing of values and convictions within a family and church community context so that teens and their families can communicate more openly and can make enlightened decisions about relationships.

NAMING SEMINAR: Many titles were shared

Former course titles –
Human Sexuality
Lifetime Choices
How Do I Know I'm Doing Right?
Is Teenage Love Possible?

Course title selected –
"Are You Ready?"

NEXT STEPS:

Schedule was adopted as shared
Tuition of $15. for any new students
Children's Services providing leadership workshop Jan. 4-7.
Next planning meeting – Tues. Dec. 14 – 7:30 p.m.
Teen census – mailing describing course, Jan. 6

PLANNING COMMITTEE –

Betty West, Pat Mudd – Catholic Charities
Fr. Creedon, Pastor
Anne Ridder, RE Coordinator
Carl Pfeifer, Janaan Manternach, RE Consultants
Tony and Jean Rymiszewski – High School Chairpersons
Connie Hollowell, Joan Gros, Charles Chambers – Catechists
Jean Larson – Youth Coordinator
to be added – teen members

Exhibit 7

Fr. Creedon

Feedback

Backwards – Situation then Value
Integrating (We)
Planned Sequence

Church is the people of God

Law – Values
God – Christ
Fear – Love
Absolute – Situation
Dependency – Responsibility
Prohibition – Challenge/Invitation

Bible vs. Canon Law

Is church against all abortions – Yes, in general.
Dilema – 2 lives involved.

Overpopulation – Economic Justice

Birth Control – okay – responsibility
Exercise responsibility in practical terms
Am. Bishops – diminution of guilt.
Room for conscience.

Chastity – responsible sexual behavior.

Pre marital sex – wrong – intercourse implies commitment. Lack of mature relationship.

Homosexuality – need to be expressed with care & responsibility. As in heterosexual Pastoral care need for people of this orientation.
Provide family value be sensitive.

Masturbation – in general not sinful.
Seen as readying for intimacy
Can be expression of interversion – particularly in marriage.

Exhibit 12

SESSION IV

FEBRUARY 22, 1983

7:30 – 9:00

7:30 – Father Creedon lectures on values of the Church and community.
8:10 – Break into individual groups.

Discussion Questions – Parents

Parents discuss how Catholic values fit into their lives.

1) What are you telling your teens about premarital sex?
morality?
consequences?
Does this fit with presentation given by Fr. Creedon?
Do you think the Church gives you the help and support you need?
How could the Church be more helpful?
2) Are you comfortable explaining your values to your children?

Discussion Questions – Teens

Teens discuss how Catholic values influence their final decisions RE: Sex

1) What are your parents' ideas about premarital sex?
2) Are they telling you? Do you just know how they feel?
3) What part does religion play in you making decisions about sexual matters?
4) Do you get enough guidance from your Church about sexual behavior?

8:30 – Values Voting – Parents
Who's Responsible – Teens

February 22, 1983 – 7:30 – 9:00 PM

DISCUSSION QUESTIONS – FR. CREEDON

1. Is it possible for a high school student to have sexual intercourse responsibly?
2. Is the church against all abortions?
3. What is the Church's View on overpopulation?
4. What is the Church's Teaching on birth control? Is it right or wrong?
5. What is chastity?
6. What does the church say about premarital sex?
7. What does the church say about homosexuality?
   Is homosexuality a sin?
   Should homosexuals be allowed to teach school, have gay rights parades, etc.
   Does the church have a ministry to homosexuals?
8. Is masturbation sinful?

Deposition Excerpts of
John Charles Lothamer, Jr.,
Minister of Religious Education and
Family Life Minister, St. Mark's Catholic Church

[Direct Examination by Ms. Hunter:]

[17] Q Okay. Now, prior to the time that Catholic Charities operated its program at St. Mark's on sexuality education, had there been any previous programs in that parish that dealt with the issue of sexuality?

A Yes.

Q Can you describe them to me?

A They took place on several grade levels. They were [18-19] a part of our curriculum in our Religious Education Program.

Q How many years had such programs been ongoing?

A Probably five.

Q Okay. Can you describe generally what those programs were like? Were they a series of sessions, one day sessions, films or –

A (Interposing) They were generally what was called "a unit." Two or three sessions involving class time and at least one parent meeting.

Q So, these were conducted as part of the church school; would that be fair to say?

A Right.

Q Was a unit on sexuality typically included every year in certain grade levels?

A It would have been kindergarten, third grade, fifth grade and junior high and something in the high school, but I'm not as familiar with the high school program.

Q But for those grade levels you just specified, there would be a unit every year on sexuality?

A Yes.

Q Is that practice continuing? Are there still those units?

A Yes.

[20] Q Other than those regular units in the Church School Program, have there been any other programs on sexuality sponsored by St. Mark's?

A There would have been a high school program, the details of which I fail to remember.

Q Would they be part of the Church School Program or more like sort of special seminars like Catholic Charities Program?

A No. Those original ones would have been part of the church program.

Q All right, and how was the presentation of sexuality treated in the Church School Program in such a way that it was part of a Religious Education Program?

A Well, first of all, it took place in the regular Religious Education time as part of the curriculum. There were specific church teachings that would be referred to in the teacher preparation and presentation.

Q What materials were used, do you know?

A The names of them?

Q Yes.

A Bensinger would be one name that comes to mind as a publisher. The particular program that we used had sort of a pro life theme to it, anyway, and that was the Silver-Berdett [21] Program and we used the Accordian Series from St. Louis.

Q Can you tell me what the primary themes are in Religious Education insofar as it includes sexuality information?

MR. HIRT: At his parish?

MS. HUNTER: Yes.

THE WITNESS: The focus?

BY MS. HUNTER:

Q The themes or focus, yes.

A I suppose under the underlying theme under them would be a positive regard for human sexuality, that it is a created gift from God, that for any of the flaws that exist

in it it has been redeemed by Christ. Those would be sort of underlying themes.

Q With regard to the issue of abortion, is there a theme that would be present in Religious Education as it was done at St. Mark's?

A Yes. I'm just trying to think where we explicitly talked about abortion. It would be in the upper grade levels, but it would be made very clear the teachings of the Catholic Church's position, which would be against abortion.

Q And with regard to methods of contraception, the teaching that was part of the Religious Education Program at [22] St. Mark's?

A Well, the general teaching was that the church was against artificial contraception.

Q What about sexual intercourse prior to marriage? Was there a—

A (Interposing) Specific teaching?

Q Yes. What was that?

A That the church was against premarital intercourse.

Q What about homosexuality, what would have been the teaching of the church with regard to that?

A Yes, that the homosexual condition is neutral, that homosexual acts are considered wrong.

Q Those teachings would be reflected in the materials that were used in that Religious Education Program; is that right?

A In upper grade levels, the ones that you are talking about.

Q How are the volunteer—I assume there are volunteer teachers?

A Right.

Q How are the volunteer teachers in that program trained to convey these teachings?

A They were given resource materials and teacher's [23] meetings were held, and each grade level has a coordi-

nator, a master teacher who helps prepare the lessons.

Q I believe you said the units, at least at some levels, would typically include at least one meeting with parents; is that correct?

A Yes.

Q Is there a Catholic principle or tenet as to the importance of parental guidance on the issue of sexuality?

A Yes, primary.

Q What is that?

A That the parents are primarily responsible for educating their children in sexuality and that we would facilitate that, but, in fact, the most important teachings are left to the parents.

Q Would it be fair to say that the church in its Religious Education Programs encourages the parents to convey their own religious beliefs concerning sexuality to their children?

A Their own religious beliefs as opposed to–

Q (Interposing) That the church encourages parents to inculcate religious beliefs concerning sexuality in their children; would that be correct?

A Yes, uh-huh.

[24] Q Can you tell me, generally at least, where in Catholic Doctrine that belief as to the importance of parental guidance comes from?

A The Constitution of the Church, the Second Vatican Documents–the Documents of Vatican II, and also the Declaration of Education from Vatican II.

MS. HUNTER: Would you mark these, please?

(Eleven documents were marked as Lothamer Deposition Exhibits 3 through 13 for identification.)

BY MS. HUNTER:

Q Now, to your knowledge was the program for St. Mark's–I'm talking now about the Catholic Charities Program–how was that planned? How was the contents of it planned?

A The Catholic Charities people recommended that we draw together an Advisory Board of parents and teenagers who would be involved in the program and that we sit down and discuss goals, and that's how, you know, St. Mark's sort of tenure to the whole thing developed.

Q Was there an Advisory Group established?

A Yes.

Q Who was on that Advisory Group?

[25] A I have the names listed somewhere. I don't know. In some other–

It is there at the bottom of it (indicating). There it is. (Showing to counsel.)

Q Okay. All right. The Advisory Team consisted of three adult couples and four teenagers; is that true?

A Yes.

Q Was there anyone else on the Advisory Team?

A I was.

Q All right, and was there anyone other than yourself?

A Not that I recall.

MR. HIRT: What are you reading from for the record?

MS. HUNTER: It has been marked–wait a second. I'm reading from Deposition Exhibit No. 6.

MR. HIRT: Okay.

BY MS. HUNTER:

Q What participation did the Pastor of the church have, if any, in the planning of Catholic Charities Program?

A I beiieve he was at one of the planning sessions reviewing the film that Catholic Charities was going to use, and I was not present at that particular showing.

Q How many planning sessions were there?

[26] A I think there were three.

Q Did you attend two of the three?

A Yes.

Q What happened at the planning sessions? Can you generally tell me?

A The members of the team were basically asked what they would see their goals as being, and this was especially directed at the parents, I think, at first. They were asked if this kind of a program was going to exist what would they be hoping would be included in the program, and it eventually kind of filtered down to what the teens wanted themselves.

Q Do you recall what goals were established?

A Well, I think they are outlined somewhere, but precisely, you know, I couldn't recall.

Q Do you recall whether the Catholic Charities personnel submitted any of the curriculum materials or course materials to the Planning Committee at this stage; that is, prior to the time the program was actually implemented?

A I believe they didn't. I'm pretty sure.

Q Were all the members of the Advisory Group members of St. Mark's Parish?

A Yes.

Q I'm showing you what has been marked as Deposition [27] Exhibit 3. Can you tell me what that is?

(Handing to the witness.)

A That is a Bulletin announcement made after the masses on Sunday, Saturday evening and Sunday morning.

Q This announcement concerns the Sexuality Program that Catholic Charities was going to offer; is that right?

A Right.

Q This was announced by whom?

A Whoever was celebrating the mass. So, it could have been announced by as many as four different priests.

Q Do you know how many times it was announced by the priests?

A It would have been announced seven times.

Q Okay. Was there any discussion at the Advisory Group Meetings of the religious nature or whether religious contents would be incorporated into the Catholic Charities Program?

A Yes, there was discussion.

Q What was that discussion?

A I think there was a concern, particularly from the adults, that there be some kind of religious content. I mean, that was an initial response of theirs, but it had already been explained to them that it could not be included in the [28] Catholic Charities Program and the people were willing to accept that limitation.

Q Was there any other response made to that concern? Was there any attempt made to adjust the program so as to incorporate that concern without violating what Ms. West had earlier communicated to the group?

A Yes. I think it was determined that the parish would handle that part—that concern it had separate from the Catholic Charities Program.

Q What do you mean by that?

A That somebody on the staff would—if there was a concern for church teachings, that somebody on the staff would do that separate from the program.

Q From where did that resolution come?

A I think that was clear from the very beginning that that's what would have to be done. I don't remember if somebody suggested it or where the idea came from.

Q What I'm getting at is at the very beginning of these discussions, was it already understood that somebody from the staff would handle the religious discussions—

A (Interposing) Yes, somebody from the staff would handle that. That was clear.

Q How was that to be done in the context of this [29] Catholic Charities Program?

A Do you mean like who was going to handle the religious contents?

Q Yes. Answer that.

A Okay. It was decided that one of the priests would give a talk and, basically, I would be the one in charge of that particular session.

Q That would be at one of the sessions of Catholic Charities?

A No. It was to be distinct. To me it was a technicality, but they were very insistent on it and so we held to that.

Q Why to you was it a technicality?

A Well, from my own philosophical viewpoint, I had no problem with it, but I realized there were legal implications and so I went along with what was recommended.

Q How was it to be presented? That is, how was the religious presentation to be done?

A Father Hortum was to give a talk on it. He was to field all questions and handle all discussions.

Q When was this talk to occur?

A It was to be after the program was finished. It was a follow-up.

[30] Q As a follow-up to the program?

A Right.

Q Was it to be at the same time; that is, the same day of week and the same time of day as the rest of that program?

A It was to follow the sequence of Wednesdays.

Q So, on a subsequent Wednesday there was to be a presentation by Father Hortum; is that correct?

A Right.

Q Do you know whether in fact that presentation occurred?

A Yes, it did.

Q Did you attend?

A Yes, I did.

Q Did you attend all of the sessions?

A I was present in the building at all of them. I attended most of them—most of the sessions.

Q Let me show you what's been marked as Deposition Exhibit No. 4. Do you recognize that?

(Handing to the witness.)

A Yes.

Q What is that?

A Let's see. This is a letter to—I think it is an initial letter to the parents of freshmen and sophomores.

[31] Q And it went out with your signature on it?

A Yes.

Q Why did you send this letter?

A To get this information to the parents that the program was being offered.

Q This was sent out, it appears, about slightly more than three weeks prior to the time that the program was to actually begin. Is that your reading of the dates on here?

A Yes. I think the program ran in May, as I recall—Yeah, the end of April.

Now, this was a letter I devised and I got the schedule wrong, by the way.

Q How did you get the schedule wrong?

A For some reason or other we switched around the teachings of the church part and I can't remember how that evolved, but it did.

Q At the time that you wrote this letter, the sessions on the teachings of the church was scheduled for what appears to be the next to the last session; is that correct?

A Right. Right.

Q And that, I take it, was accurate at the time you wrote the letter or—

A (Interposing) I believe so.

[32] We had a lot of discussions as to whether to do Father Hortum's presentation in the first part, at the middle or the end, but what was clear was that it was a distinct and separate presentation.

Q I see. How exactly was it going to be distinct?

A That the Catholic Charities staff would not participate in any way in terms of producing or presenting a follow-up to the talk.

Q Directing your attention to the second paragraph of your letter dated April 5, and it is a listing of the issues to be covered, is that an accurate description on your part at that time of what you believed the issues to be?

A Yes.

Q All right, and this was sent to whom exactly, Mr. Lothamer?

A It was sent to approximately 150 families whose children would have been freshmen and sophomores in our program.

Q Were these families who were registered with the parish?

A They are at least registered in our Religious Education Program, and in the parish—we have some families in the program not necessarily registered in the parish.

[33] Q All right. Did it go to any family who was not either in the Religious Education Program or was not registered in the parish?

A No.

Q Let me show you what has been marked as Exhibit No. 5. Can you tell me what this is?

(Handing to the witness.)

A This was a follow-up—let me see. I'll read it over.

Well, as it says, it is a reminder and also added to it was the fact that it had been opened up to juniors and seniors in the parish as well as freshmen and sophomores.

Q Did this go to the same mailing group?

A It went to the same mailing group, in addition to families of juniors and seniors.

Q I see. I show you what's been marked as Lothamer Exhibit No. 6, and you might note that in Exhibit No. 5 it refers to the "enclosed survey form"?

(Handing to the witness.)

A Yes.

Q Is this the enclosed survey form that went out with Exhibit No. 5?

A Yes.

[34] Q Did you send this out?

A I sent it out.

Q Did you prepare it?

A It was prepared by Catholic Charities—well, they asked us to send it. I don't know exactly who prepared it.

Q But it was furnished to you in this form by Catholic Charities?

A Yes.

Q What was the purpose of it?

A I think to get some feedback to make sure we were on the right track in terms of the planning that we had done. They may have had other reasons why they wanted the information in terms of their own research, but I was not clear on that.

Q Was any compilation done as a result of this survey?

A No, not by St. Mark's.

Q Did you simply turn over the completed forms to Catholic Charities?

A Yes.

Q Just for the record, on the second page of Exhibit No. 6 at the bottom, that is the Advisory Team that we mentioned before; is that correct?

A Yes.

Q Those are the identities of the adults and [35] teenagers; is that correct?

A Right.

Q Now, I apologize that this is out of order, but let me show you what's been marked as Lothamer Exhibit No. 12. What is that?

(Handing to the witness.)

A That's a Bulletin announcement regarding the program.

Q Which date do we have—

A (Interposing) I have April 10.

Q All right. April 10 is No. 12. I believe on the last page of that exhibit there is a box in the lower right-hand corner. Is that a part of the publicity that was done for the Sexuality Program?

A Yes.

Q Similarly, Exhibit 13, that's also a Church Bulletin, is it not?

(Handing to the witness.)

A Yes.

Q One week later?

A Yes.

Q And in the same place on the third page of that exhibit there is another ad, as it were, for the program; is [36] that right?

A Right.

Q Was there any other written publicity, other than the documents that we have just identified, that publicize the Catholic Charities Program?

A Yes. I realized that I didn't bring one Adult Ed. brochure, which the Bulletin refers to and that would be basically identical to the April 10 description in the Bulletin.

Q Was there any other publicity?

A No.

Q Now, this Bulletin, as with the last two exhibits, how was that distributed? Is it distributed by mail, by hand or—

A (Interposing) By hand.

Q Okay, and is it distributed to the persons who attend services at St. Mark's?

A Yes.

Q Does it go to anyone else?

A Anyone who attends—no, it is not mailed out.

* * * * *

[38] Q What was done with this course outline?

A This was handed out to the participants at the first session.

Q Can you explain to me on Page 2 of the outline what [39] the last sentence refers to?

A That refers to Father Hortum's talk.

Q Was it explained orally to the people who came to the first session what that last section referred to?

A Not specifically that last sentence.

Q Well, was it explained to them that Father Hortum would give a presentation?

A Yes.

Q Were they informed about the date and time of the presentation?

A I can't remember, but I assume they were.

Q To the best of your recollection, these were all done on Wednesday night, is that right, and they are, obviously, all one week apart; is that true?

A Yes.

Q Was Father Hortum's presentation in fact given on a Wednesday night after the last one that's on this exhibit?

A I think, in fact, what happened was he gave his talk in the last hour of May 25th. The program stopped at something like 8:30 in terms of Catholic Charities and they sort of left the—turned the program over to him.

Q I see.

A And he gave the talk.

[40] Q I see. So, his talk was actually on May 25th. All right.

Were you present for his talk?

A Yes, I was.

Q Who conducted the program at St. Mark's Church?

MR. ARBOUR: Is this the Catholic Charities Program?

THE WITNESS: While Catholic Charities was running the program?

MS. HUNTER: Yes.

A Betty West.

BY MS. HUNTER:

Q Was she assisted by other persons?

A There was a team.

Q Do you remember who any of the members of the team were?

A I remember some of them. Pat Mudd I remember. I can't remember the names of the other team members.

Q Where was the program actually held?

A It was held in what is called the all purpose room.

Q Can you tell me where that is?

A Well, it is in St. Mark's plant – facilities.

* * * * *

[43] Q Showing you what's been marked as Lothamer Exhibit No. 8, can you identify that?

(Handing to the witness.)

A It was a bibliography that we made available to the families at the sessions.

Q Who prepared the bibliography?

A That came from the Religious Education Office of the Diocese.

Q The title at the top of the first page is "St. [44] Mark's Human Sexuality Program." Does that refer to the Catholic Charities Program?

A It refers to what was in the Bulletin – yes.

Q My question is, was this ever passed about by the church prior to that time?

A Oh, sure. In fact, I think I took this from my file. So, this came from a separate department.

Q So, this has been used in the Religious Education Department regarding sexuality before?

A Yes, right.

Q And it was distributed at the program that was run by Catholic Charities; is that correct?

A Yes, and I ran it off.

Q The contents of it were prepared at the Diocese level; is that right?

A Yes.

Q Do you recall whether this was distributed during the Catholic Charities Program?

A I suspect it was made available – everything was made available to the people. They weren't always handed out at the first meeting.

Q Were there any other materials that your office furnished that were made available to persons who participated [45] in the Catholic Charities Sexuality Program?

A Other than this outline which I just made available?

Q Yes.

A I can't recall anything else that came from St. Mark's.

MR. HIRT: Excuse me. By "this outline," are you referring to something? I don't know if it is marked or not marked.

MR. ARBOUR: Exhibit No. 7.

MS. HUNTER: Yes.

MR. HIRT: Okay.

BY MR. HUNTER:

Q Does this exhibit reflect in part a religious perspective on the subject of sexuality?

A Yes –

MR. HIRT: (Interposing) Which exhibit are you referring to, so the record is clear?

MS. HUNTER: Thank you. Exhibit 8.

A (Continuing) – Yes, it does, and I took it upon myself to prepare it and in the sense of deciding when to hand it out.

[51] Q Directing your attention to the session of May 25, 1983, I believe you testified that that was the session in which Father Hortum spoke; is that correct?

A Yes.

Q Did you attend that session?

A I guess I did.

Q Did you hear his presentation?

[52] A Yes, I did.

Q Can you describe for me, to the best of your recollection, what that presentation was?

A He spoke kind of about self-image and life as a gift, as I recall, and he talked about emotions and human development and he talked about the mystery of relationships, and he answered the questions, 'How far should you go?'

MS. HUNTER: Off the record.

(Discussion off the record.)

BY MS. HUNTER:

Q What did he say?

A He said, 'For teenagers, you should go as far as a kiss and no farther.'

Q Did Father Hortum answer any other questions that were on the written question and answer sheet?

A Yes, he did.

Q Do you recall what any of those were?

A One was on abortion, I'm sure, and he stated the church's position on abortion, which is against it. I think I recall there was a question about homosexuality that he answered.

Q What was his answer, do you recall?

A On homosexuality, basically, that the homosexual [53] state was a given for some people that had to be accepted and that the church's position on homosexuality dealt with the acts of homosexuality, which it was against.

Q Do you recall any other questions that Father Hortum answered?

A I can't.

Q You stated just a couple of minutes ago that he said, as part of his presentation, that life is a gift or he described life as a gift. Can you describe what you mean by that?

A He was describing it in terms of—as a mystery that we don't fully understand, that we have a calling to grow and mature and that we should accept that gift with responsibility.

Q Did any of the parents or teenagers leave prior to Father Hortum's presentation?

A Not that I was aware of.

Q Did the Catholic Charities staff persons leave?

A I know they planned to leave and I can't remember. I do believe that Betty West was present and I can't remember about the rest of the—but they did not participate in any way, that I'm certain of.

Q From your observation of the series of sessions at [54] St. Mark's Church, was the May 25th session pretty much attended by the same people who had been at the other sessions?

A Yes.

Q Do you recall about how many teenagers and parents participated in the program?

A There were 50 families. I think we had approximately 125 participants.

Q Is there anything else that you recall about Father Hortum's presentation and the contents of it?

A Not other than what I told you.

Q Do you recall whether he was dressed in clerical garb or dress?

A Yes, he was. He had a collar on.

Exhibit 4

St. Mark's Church
9970 Vale Road (Box 997)
Vienna, Virginia 22180
Telephone 281-9100

April 5, 1983

Dear Parents and Freshmen/Sophomore Teens,

Beginning the last Wednesday in April and going through the four Wednesdays of May, St. Mark's will be co-sponsoring with Catholic Charities a Family-Centered Human Sexuality course for Freshmen/Sophomore teens and their parents.

This program hopes to foster more open communication between teens and parents around the issues of human sexuality; personal values, social values, church teachings, psychological and biological realities, friendship, dating, and the consequences of choices.

A parent's advisory group has met with the staff from Catholic Charities to help determine St. Mark's needs. Several teens have been invited to give input as well. This advisory group has entitled the program: *And Now For the Rest of the Story.*

The course will be given at St. Mark's on these five dates. All sessions are held from 7:30–9:30 p.m.

Wednesday, April 27	Introduction, The Ground Rules. The Ideal Parent. What Questions Need Answering.
Wednesday, May 4	Information about Sexuality
Wednesday, May 11	Relationships, Dating
Wednesday, May 18	The Teachings of the Church
Wednesday, May 25	Decision Making, Consequences.

* * * * *

Sincerely,
/s/ JACK C. LOTHAMER
Jack C. Lothamer, MRE

Exhibit 8

"Glossary of key Terms and Definitions"
Used in Human Sexuality Class

human life begins. The female is now pregnant. This new life will not seek to implant itself in the wall of the uterus where it goes through a nine-month process of development called pregnancy.

23) The fertilized ovum is called a zygote. After about two weeks of growth in the uterus, the zygote reaches the stage where it is called an embryo. By the eighth week, the embryo develops to the point where it is described as a fetus. From the eighth week onward to birth, the developing baby is described as a fetus.

An amniotic sac forms around the embryo. This membrane is filled with amniotic fluid so that the developing embryo is cushioned in a "bag of waters" until shortly before birth.

The embryo is attached to the amniotic sac by what is called a body stalk which eventually develops into the fetus's umbilical cord. The umbilical cord attaches the fetus to the placenta, which is attached to the mother's uterine wall. The fetus's nurture passes from the mother's body through the uterine wall to the placenta and from there to the fetus by way of the umbilical cord.

At birth the amniotic sac breaks, discharging its fluids. The placenta detaches from the uterine wall and is discharged after the birth–hence, its descriptive name afterbirth. The doctor clamps and then cuts the umbilical cord from the newborn baby. The scar marking where the umbilical cord had been attached to the baby is what we term the navel.

24) Even when conception does take place, there are many reasons why a newly conceived life does not develop to full term. Full term means the end of the

normal nine-month process of development from conception to birth. One such reason is premature birth. This means that the mother gives birth prior to the full term of intrauterine development. This full-term, or nine-month, development is described in terms of trimesters, or three-month periods—hence, the first trimester, the second, and the third.

If birth takes place during the third trimester, the infant has a good chance of survival. During the second trimester, it is possible, but more unusual, that the baby can survive and complete its normal development outside the uterus. If the fetus (zygote or embryo) is ejected from the uterus during the first trimester, it is described as a miscarriage, rather than a premature birth, since it is impossible for the fetus to survive. In many instances of miscarriage, the zygote or embryo had already died within the uterus and is thus discharged in a process similar to menstruation.

A miscarriage is also described as a natural abortion, not to be confused with an artificially induced abortion. A premature birth, miscarriage, or natural abortion can occur for a wide variety of reasons. A physical accident or medical problems like genetic defect or dietary deficiency are often causes.

25) The opposite of premature birth, miscarriage, or natural abortion is induced abortion. This is a deliberate intervention to prevent the life conceived from developing to full term and being born. Whether this takes place hours after conception or is delayed until the third trimester, it is considered by the Church as the killing of a human being. (To kill is the physical act of depriving another of life. To murder is a moral term, indicating that the life of another was taken with unjustifiable reason.)

Induced abortion is not automatically immoral. In special cases, for example, such an abortion might be the unfortunate but necessary result of a surgical attempt to rid a woman of cancer. Today, in developed countries, such cases are relatively rare.

Induced abortions can be achieved in various ways. One of these is through abortifacients. These either directly attack and destroy the fertilized ovum before it is implanted in the uterus or, more often, they render the uterus incapable of receiving and sustaining the newly fertilized ovum. The new life dies as a result. Certain contraceptive devices are abortifacients. They act to destroy a fertilized egg rather than to prevent fertilization from taking place. For instance, the IUD (intrauterine device), a small metal or plastic device placed within the uterus, may be an abortifacient.

If the fertilized egg succeeds in becoming implanted in the uterus and begins to develop, a variety of other means can be employed to abort (stop) the new life. Certain chemical compounds can be taken orally or injected directly into the uterus, killing the embryo or fetus and producing a miscarriage. Surgical means can also be used to kill and then remove the zygote, embryo, or fetus.

26) Sterility, the opposite of fertility, is the condition in which either the male or female is unable to effect a conception through intercourse. This state can be brought about through surgery. Sterility can also be the result of physical accident or illness. A male's testicles could be destroyed, rendering him sterile. A woman's ovaries could become cancerous, rendering her sterile. Illness or hormonal imbalance can make it impossible for the male to produce sperm or the female to produce mature ova. Some forms of sterility can be surgically or medically corrected, others cannot.

27) Two major sex hormones, estrogen and testosterone, chemicals produced by the body, play a very important part in the individual's physical development, sexual development, sexuality, and sexual functioning. Estrogen is the female hormone, though some of it is found in all males. It is essential to such things as fetal development, development into sexual maturity, the menstrual cycle, and fertility. Testosterone plays a similar role in the male and is present to some degree in females. A hormonal imbalance, like too much testosterone in a female, can result in male characteristics like developing excessive facial hair. A similar imbalance in the male, as occurs when the male is castrated, can include the loss of facial hair and even the development of the breasts. Today it is possible, in most cases, to treat such hormonal imbalances medically.

28) Venereal disease, or VD, is any of a number of diseases that are transmitted primarily, but not always exclusively, through sexual intercourse or similar sexual contact. Most of the known diseases can be cured through medication like antibiotics, especially if diagnosed in their early stages. However, doctors have observed that certain strains of VD, like gonorrhea,

Deposition Excerpts of
John D. Hortum,
Associate Pastor/Parochial Vicar,
St. Mark's Catholic Church

[Direct Examination by Ms. Hunter:]

[11] Q Now, the Catholic Charities Family Life or Sexuality Program was held at St. Mark's Parish in approximately April to May of 1983; is that right?
[12] A That's right.

* * * * *

[15] Q What I'm asking is whether there was discussion then or at any time about how the Catholic Charities Program would sort of fit into what the parish had already been doing in terms of sexuality education?

A Right. I can vaguely remember that there had been—there are certain grade levels where sometimes there had been some components of religious education which may have touched on sexuality, and they decided this would be good for another level.

Q What do you mean exactly by "another level"?

A Perhaps people who hadn't—Well, I think as I recall what had been—there had been some components of sexual education at the junior high level and at this point it was decided it would be good to do something at the senior high level.

Q So, the Catholic Charities Program sort of filled a spot which the church had identified a need for, but hadn't [16] filled itself; is that right?

A I think—

MR. HIRT: (Interposing) I think you should not try to put words in his mouth, but let him try to state his own understanding.

A (Continuing)—I think what happened is we heard that this program was available and it sounded good, and we were deciding then whether to do it. I don't think there was actually any possibility of fitting in into our

schedule—fitting it into our program, because they had already had a program set up.

BY MS. HUNTER:

Q Had someone in the church identified that need; that is, a need for a sexuality program for high school level students?

A I just remember people talking about it as a general need.

Q Okay. Would it be correct to say that the parish or the church has a position that sex education for its young people, generally, is a positive thing to do?

A I would say that it is hard to ever personify a whole parish. I would say this is what this parish thinks.

Q Well, was it part of your understanding of the [17] program of the parish as you were employed to carry out the program?

A I think, generally, in talking with parents—in talking with anybody, there seems to be a real felt need for a good sex education program.

* * * * *

[20] Q Now, I believe we have established that you did give a presentation at some point for this group of persons. Do you recall when you gave that presentation?

A It was the last—on the last—The Sexuality Program went for five Wednesdays and there was a point at about the last—oh, 35 to 40 minutes on the last night after they had finished that I made that presentation, and I think it way May 25th. Yeah, May 25th.

Q Did everyone stay for your presentation?

A I don't remember. I didn't take attendance. There was a—the last thing I recall that they had done was in small groups, and then there was an announcement that I would do my part in it.

Q Were you dressed in your clerical garb that night?

A I don't usually around the parish, but I think I probably did, though. I can't remember.

Q Just to clarify, how did it come about that you were the person selected to give this presentation?

A Well, originally there had been a discussion that one or the other of the priests would do it. I think what happened is that Father Cassidy went to a subsequent meeting [21] after that and got more involved with it and decided he was going to be the one to do it—or it was decided at that meeting which I wasn't at. Then, it turned out he was going to be out of town and so I stepped in.

Q I see. So far as you understood, how far in advance did you know you were going to be the person? Was it sort of from the beginning of it?

A No. It would have been during the program.

Q Did you say from the beginning?

A No. During the program.

Q Were you introduced or do you remember when you stood up to speak what happened immediately prior to that?

A I don't know. I can't remember.

Q Had you made any kind of welcoming statement or had you stood up to speak at any time before you stood up to give this presentation? Do you remember?

A No.

Q Did the people there, so far as you could tell, seem to expect that you would be giving this presentation? I mean, did people know in advance that you would be giving this presentation?

A Yes, it seemed that people had an idea that after the Catholic Charities Program there would be a time to talk [22] about religious values.

Q Did you yourself make any of the announcements prior to the beginning of the program; that is, announcements to parishioners at services or at any other time, saying this is going to be happening?

A Well, the announcements were in the Bulletin and I cant remember if there were pulpit announcements, you know, at the end of mass.

Q Do you remember telling anyone before the program actually started about the program, that it was actually going to be happening?

A Not specifically, no.

Q Did you have any conversations with anybody prior to your presentation about what the contents of it would be?

A Apparently, at the first session there had been a number of questions that people had been allowed to make, anonymous questions about anything they wanted to ask and that included anything that had to do with religious values at all or church doctrine. Those questions were compiled and given to me and I'm pretty sure they were given to me by Betty West.

Q Do you remember what form they were given to you in?

A Just a typed sheet of paper, as I recall, and I can't find it.

[23] Q Did Betty West tell you anything else about your presentation? What was your discussion with her other than, 'Here's a typed list of questions'?

A She just said, "I want to see what you are going to do with this."

* * * * *

[27] Q Do you remember how you did the presentation and what the structure of it was?

A It was very informal and it involved pretty much an opening statement about—that a lot of times we are looking for church authority to give the answer and I compared that with the way Jesus was often asked, 'Okay, how far do I have to go,' and things like that in life and that nobody else could decide for you, but the church was there for helping people make the best decisions.

Q And this was done in the fellowship hall of the church?

MR. HIRT: Excuse me?

BY MS. HUNTER:

Q. I said, this was done in the fellowship hall of the church?

A Actually, we call it the multi purpose room.

Q I'm sorry. In the multi purpose room of the church?

A Right. It is attached.

Q Why don't you just tell me what you remember saying after that introduction?

[28] A Then I went into some of the questions and there were some reactions from people, specifically more from parents than from the students, and they—even though I was specifically speaking about how we need to be making our own decisions and that somebody else making a declaration could be taken as an authority in such a way that they were not deciding about their own life, it turned out they finally wanted me to say something about what I believed as far as sexuality among unmarried teenage people. So I—I said, 'They're looking for moral guidance, a moral statement about morality,' and that's what I talked about.

Q Let me ask you these questions. You said there were reactions from parents?

A Uh-huh.

Q Reactions to what?

A Really, different questions like the—there was—for instance, this is an example, there would be one or two or three questions about homosexuality that the students had given and the parents—in my response to that question, I talked a lot about prejudice and just among—because that's a big thing among the teenagers. You put something down and you call it "gay." So, I said, "Let's look at this," but the parents were actually saying, "Let's get back to the morality [29] of the situation and talk about sin." So, then I would have to take about sin and how sin—it is something where I know my own sin, but I can help guide

somebody else if I have to and I can do that with very, very specific moral teachings, but sin is my own personal moral commitment.

Q Is that statement that you just said about your responsibility towards the question of homosexuality, is that consistent with the teachings of the church as you understand them?

A Right. The teachings of the church can sometimes be interpreted to say that such and such a thing—a categorical act can be considered a sin, but when making that statement it is being made in a very abstract way, because every time you talk about sin you have to get back to individual conscience.

Q And that's part of the teaching of the church, getting back to an individual's conscience; is that right?

A That's correct.

Q Were there any other reactions from parents that you remember?

A Well, it did get to a point of 'Okay. Now, you said that you have all these moral niceties and things. Now, what about how far can you go,' that type of thing and that was the tenor of that kind of thing, because that's what these people [30] are really after and that's what they wanted to know. That made me think about the beginning, but the whole deal was nobody else makes that decision for you. But, I said, "If you want to talk personally about it, I can say, if you want to make a moral abstract statement about the way I would see things, I would think that it would be—would be—I could say that being sexually active as a teenager could be a moral wrong."

Q Was that response that you made consistent with the teachings of the church as you understand them?

A Yes.

Q Can you remember any other reactions from parents?

A There were a number of questions that just seemed to go along with things and those were the ones I remember as saying—those were the ones I remember, because they probably made me go a little deeper into a subject.

Q You said earlier that parents or that people there were asking you sort of what you believe; is that right?

A Well, they knew—I said that we can talk about is—we can talk about a doctrine of the church, a moral teaching of the church and take that as authority and then not have more discussion, but we all have to take the doctrine of the church and then take it as a guideline and [31] then find ways of integrating that with our own lives, which are going to be unique. So, in that discussion they wanted—so, they knew they weren't going to just get the doctrine from me and so what they were looking for probably was 'Okay, what is the doctrine through what you believe?'

Q Is that sort of giving what you believe sort of integrating with church doctrine, is that part of your ministry—generally part of your ministry?

A It is usually more part of a ministry in a more pastoral setting than as a teaching type of thing on an individual basis.

Q Did you hand out any materials when you did your presentation?

A No.

Q Were there questions that the students asked you at the time? I understand you were answering questions that were given to you and you mentioned some things that the parents said. Do you remember anything the teenagers said?

A As far as I remember, I may have elicited a question, but you really had to drag them out because it was hard, because the parents were right there. They had asked the questions by writing them down earlier and that's what they felt.

[32] Q Did you say anything about the role of parents in transmitting their beliefs about sexual activity or sexuality?

A I think I just talked – I talked in general about how we affect each other as parents and as children and about how we are living our lives and enjoying our sensuality and sexuality.

Q Is it part of the Catholic Church's teaching, as you understand them, that parents do have a role about transmitting religious beliefs, including sexuality beliefs, to their children?

A Yes.

Q Is that considered important in the Catholic position on sexuality education?

A Absolutely.

* * * * *

[37] Q How did you integrate religious beliefs and teachings in talking about that?

MR. HIRT: Is it something that he did? I don't think he testified to that.

MS HUNTER: Counsel, I believe he testified he made a religious presentation.

MR. HIRT: That is not the same thing as your last [38] question, to say the least.

MS. HUNTER: You can answer the question.

A I think that I based it all on Jesus Christ. That's the way I do things and that that was the context of talking about love and about what can I offer, how to receive and give love to other people.

BY MS. HUNTER:

Q Did you refer to Jesus in your presentation?

A Yes.

Q Were there other ways in which you integrated the ideas or teachings of the Catholic Church in the presentation?

A Just whenever – whenever a subject would come up, I would probably have a statement that 'If you just want to know within the Catholic tradition, you can always find a moral teaching about just about anything and that it was possible to find a sentence that said a particular thing was wrong, for instance, and yet what we had to do was deal with that as a rule – as guidelines in our lives.'

Deposition Excerpts of
Sister Elyse Staab,
Administrator, St. Ann's Infant
and Maternity Home

[Direct Examination by Ms. Hunter:]

[22] Q The Center for Life is one of the subcontractors under the grant, is that right?

A Yes.

Q How did they come to be selected for that?

A I asked them.

Q What was the basis on which you asked them or the reason why?

A One of the requirements in the legislation was that family planning services be provide as an important service, and I contacted the Center for Life to ask if they would do that part of the grant.

Q Why did you contact that organization?

A Well, I knew that they worked with adolescents in some of their other programs, also our young women deliver at Providence Hospital, so it was a natural.

Q Is the fact that they are affiliated with a Catholic Hospital one of the considerations that you used in selecting them as a subcontractor?

A Perhaps.

Q Did you consider selecting, for example, a planned parenthood organization as a subcontractor?

A No.

Q Why not?

[23] A As I recall, the legislation prohibits any abortion counselling and that is one of the services that planned parenthood would offer.

Q Had the legislation not prohibited that, would you have considered them as a subcontractor?

A Probably not.

Q Why not?

A For the same reason.

Q Because they provide abortion services?

A Yes.

Q Is that because of the Roman Catholic belief that abortion is morally wrong?

A Well, it is part of St. Ann's philosophy, that we do not provide abortion counseling, so it would not be in keeping with our philosophy. Also, I might add that at the time that a young women applies to St. Ann's for services, that is not an issue because she has decided to carry the baby to term and she is asking for residential placement.

Q But I believe we are focusing now on selection of a subcontractor to provide family planning services. Is the St. Ann's philosophy that abortion is wrong reflective, as you understand it, of the Roman Catholic belief that abortion is wrong?

[24] A Yes.

Q What was your understanding at the time that you prepared the grant application in 1982 of the services, the family planning services offered by the Center for Life?

A My understanding is that they would provide classes as per their outline, which was included in the grant.

Q Did you solicit that outline from the Center for Life?

A Yes.

Q Had you ever seen, prior to that time, any of the Center for Life program materials for adolescents?

A No.

Q Had you ever sat in on any of their classes or presentations?

A No.

MS. HUNTER: Would you mark these as Sister Elyse Exhibits 1 and 2?

(The documents referred to were marked Sister Elyse Exhibits Nos. 1 and 2 for identification)

BY MS. HUNTER:

Q If you will, look first at what has been marked No. 1. Do you recognize that document?

[25] A Yes.
Q And what is it?
A It was part of the original grant application that was filed.
Q And if you would look at what has been marked Exhibit No. 2, do you recognize that document?
A Yes.
Q What is that?
A It is a letter that I wrote to Marjorie Mecklenburg, subsequent to the filing of the application, in which I sent in additional information for clarification of information that was sent previously.
Q And the attachment to Exhibit No. 2, or, rather, part of Exhibit No. 2, in part, reflects a revision of the family life education component grant that is described in Exhibit 1, is that right?
A That is right.
Q Directing your attention in both exhibits to the pages that are numbered at the bottom 40 and 41, in Exhibit 1 the objectives of the contraception module are described as to present complete information on the nature and function of the most common contraceptive method, to present information both on the advantages and medical hazards of common contraceptive [26] methods and discuss the advisability of contraceptive use among adolescents. In Exhibit 2, the objectives are listed as to present factual information on the nature and function of the most common contraceptive methods, to present information on the medical hazards of common contraceptive methods and discuss the inadvisability of contraceptive use among adolescents. Can you explain for me why those particular revisions were made?
A Because Exhibit 2 reflects more what the program is doing as opposed to Exhibit 1.
Q Whose idea was it to make the changes?
A I suppose it was mine.
Q And why did you decide to have the changes made?

A Because I didn't feel that what was stated in Exhibit 1 was actually what was going to be presented.
Q What was your basis for that belief?
A I just knew that it wasn't.
Q How did you know?
A Based on my discussions with Bob Hutson.
Q You are referring to Mr. Hutson, who is Director of the Center for Life?
A Yes.
Q Who drafted this section of Exhibit 1 that we are [27] referring to?
A I don't know. It came from the Center for Life. I don't know which individual did it or proposed it.
Q Who drafted the section in Exhibit 2?
A I don't know. Again it came from the Center for Life.
Q Did you contact the Center for Life to indicate that what is in Exhibit 1 should be redrafted?
A Yes.
Q What did you say when you contacted them?
A I said that I didn't think it reflected what we had discussed that was to be presented in the classes.
Q Was your understanding that the correct emphasis of the Center for Life program was a more negative emphasis on the usage of contraceptives?
A I don't think that is the major emphasis of the Center for Life program.
Q Do you think it is one emphasis of it?
A Possibly. But not the major emphasis.
Q With regard to the revisions that are reflected in these two documents, is that one of the things that is communicated in the revision of the language there?
A I am sorry – would you say that again?
[28] Q Is the emphasis on the negative aspect of contraceptives one of the things that is communicated or that you meant to communicate by the revisions that were made in Exhibit No. 2?

A I am not sure I am trying to emphasize the negative aspect of contraception as much as I was presenting truthfully what was going to be presented in the classes.

Q Considering that the Center for Life, someone at the Center for Life drafted the original version of this document, why did you feel, when you received it, that it was inaccurate?

A Because I didn't feei that it reflected our discussion.

Q What was the contents of your discussion?

A Basically it was an overview of the modules as they would be presented within a certain period of time and what would be covered in each.

Q With regard to, and specifically looking at these two documents, to the first objective as listed, what was your reason for changing the wording from, in the original, "to present complete information" to the wording "to present factual information"?

MR. MILLET: Could you show her where you are speaking from?

[29] MS. HUNTER: Off the record.

(Discussion off record)

MS. HUNTER: Back on the record.

Could you read the question?

(Question read)

THE WITNESS: That was not a conscious change of wording on my part.

BY MS. HUNTER:

Q You weren't aware that that change was made?

A No, not specifically.

Q You don't recall why that change was made?

A No. I was truthfully not aware that it was until you brought it to my attention.

Q With regard to the second objective, what was your reason for changing the wording from "to present information on both the advantages and the medical hazards" to "to present information on the medical hazards"?

A I didn't change the wording.

Q Mr. Hutson changed the wording?

A I don't know who changed the wording.

Q Someone at the Center for Life changed the wording?

A Yes.

Q Was that change consistent with the discussion that [30] you had with Mr. Hutson?

A Yes.

Q What was your reason for wanting such a change in effect?

A As I mentioned before, to reflect what would actually take place in the classes.

Q What it your goal to have what would take place in the classes be to present information solely or primarily on medical hazards, rather than on both the advantages and the medical hazards?

A Would you repeat that, please?

Q I will withdraw that question.

Was it reflective of your conversation with Mr. Hutson to change the wording so that information as to the advantages of common contraceptive methods would not be presented in the family life education program?

A My discussion with Mr. Hutson was to have the document reflect accurately what would be presented in the classes.

Q And the difference between these two documents is that information as to the advantages is deleted in the second version of the objectives, is that correct?

MR. MILLET: I object. The documents speak for themselves.

[31] BY MS. HUNTER:

Q Well, is that your understanding of the document?

A Would you repeat the question, please?

Q That the phraseology that information as to the advantages of the contraceptive methods is deleted in the second and revised version of it, is that correct?

A That phrase is deleted from the second version, if that is what you are asking.

Q Is that deletion consistent with you conversation with Mr. Hutson?

A Again I don't remember the exact words of the conversation that I had with Mr. Hutson, but it was my intention that he or whoever developed the document for this part of the contract, the subcontract, would reflect what they actually intended to present in the classes.

Q And is it your understanding that by deleting that phrase that the revised document does more accurately reflect what will be presented in the classes?

A Possibly.

Q Did you have any objection to the revision?

A No.

Q With regard to the third objective, which I think is page 41 of each document, is it you understanding that [32] the change in wording from "advisability" to "inadvisibility of contraceptive use" more accurately reflects what would actually be presented in the family life education component?

A Yes.

* * * * *

[45] Did you consult with somebody about the placement of Sister Betty Ann in this position?

A Yes.

Q With whom did you consult?

A The person in our community that is responsible for assigning sisters in works of our type.

Q Who is that person?

A Sister Grace of the Daughters of Charity.

Q Where is she located?

A Now.

Q Where was she located then?

A She is still located at the same place. She is located in Timonium, Maryland.

Q Does she have an official title or position within [46] the order?

A At the time she was the counselor.

Q In consulting with her, did you discuss Sister Betty Ann's qualifications to be Project Director of the Adolescent Family Life Act project?

A Yes.

Q And what were your discussions concerning that?

A I don't recall, but I would think we discussed her prior experience in the field, her prior knowledge of St. Ann's because of having been there before, her administrative ability.

Exhibit 1

Original Grant Application of St. Ann's

* * * * *

Module II – The Facts about Contraception (3 classes, 1 hour each)

Objectives

- To present complete information on the nature and function of the most common contraceptive methods.
- To present information both on the advantages and the medical hazards of common contraceptive methods.
- To discuss the advisability of contraceptive use among adolescents.

Benefits

- Dispell myths about how pregnancy is achieved or avoided.
- Surface and clarify client attitudes toward adolescent contraceptive usage and its effect on adolescent sexual activity.
- Provide information on the safety and efficacy of contracptive use, especially in the adolescent age group.

Curriculum

Class #1 (one hour)
- Overview of advantages and disadvantages of more common contraceptive methods.

Class #2 (one hour)
- History and development of oval contraceptives.

Class #3 (one hour)
- History, development and current state of the IUD.

Exhibit 2

Saint Ann's Infant and Maternity Home
4901 Eastern Avenue
Hyattsville, Maryland 20782
June 22, 1982

Ms. Marjorie Mecklenburg
Office of Adolescent Pregnancy Programs
Room 725 H
Hubert H. Humphrey Building
200 Independence Avenue, S. W.
Washington, D. C. 20201

Dear Ms. Mecklenburg:

On April 30, 1982 St. Ann's Infant and Maternity Home submitted a grant application to the Office of Adolescent Pregnancy Programs under the title of Adolescent Family Life Demonstration Project #820052. I would like at this time to submit some supplementary material to this application. Enclosed you will find 11 copies of the following:

* * * * *

5. Revision of pages 16, 40-41, 65

* * * * *

Because of a limited time frame the above items were either inadvertently omitted at the time the proposal was originally submitted, or were received after April 30th, as in the case of the letters and Clearinghouse comments. The revisions to pages 16, 40, 41 and 65 better reflect the services we intend to provide and/or give a fuller explanation of points contained in the proposal.

* * * * *

Sincerely,

Sister Elyse
Administrator

Amended Grant Application of St. Ann's

Module II – The Facts about Contraception (3 classes, one hour each)

Objectives

- To present factual information on the nature and function of the most common contraceptive methods.
- To present information on the medical hazards of common contraceptive methods.
- To discuss the inadivisability of contraceptive use among adolescents.

Benefits

- Dispell myths about how pregnancy is achieved or avoided.
- Surface and clarify client attitudes toward adolescent contraceptive usage and its effect on adolescent sexuality.
- Provide information on the safety and efficacy of contraceptive use which will discourage contraceptive usage among adolescent participants.

Curriculum

Class #1 (one hour)
- Overview of more common contraceptive methods.

Class #2 (one hour)
- History and development of oral contraceptives.

Class #3 (one hour)
- History, development and current state of the IUD.

* * * * *

Deposition Excerpts of
Sister Betty Ann McNeil
Assistant Administrator, St. Ann's
Infant and Maternity Home; Project Director
for the AFLA grant to St. Ann's

[Direct Examination by Ms. Hunter:]

[8] Q One thing that I believe is not on your resume is you are a member of a religious order, is that correct?

A That is correct.

Q And which religious order is that?

A I am a Daughter of Charity of St. Vincent de Paul.

Q And when were you consecrated or when did you become a member of that order?

A I entered the community in 1964.

Q When you returned to St. Ann's in June of 1983, how was it that you came to get the position of Project Director for the federal grant?

A I was offered the position.

Q Was there anything like an application process for that position, or how was it that you came to be selected for that position? Can you explain that?

[9] A I really don't know.

Q Were you interviewed for the position?

A Yes.

Q I believe you said that it was difficult for you to answer how much of our time was spent on the federal grant, is that right?

A Yes.

Q Can you give me some estimate? More than 50 percent, more than 75 percent?

A More than 75 percent. I carry one hundred percent responsibility. The workload fluctuates according to the peak period.

Q And are you paid for the time that you spend administering the federal grant.

A I do not receive a salary personally.

Q But compensation is paid to what or whom?

A Compensation for my services is paid to the community.

Q And do you know the basis on which that compensation is paid in terms of proportion of time; that is, do you know for how many hours of work the community is paid for your time as Project Director?

A It is paid according to a fulltime equivalency position.

Q For the record, when you say "the community", what are [10] you referring to?

A Funding for sisters' services is paid in a lump sum to the local community of the Daughters of Charity, as opposed to an individual member.

Q During the time that you have been Project Director of the federal grant, has that Order received compensation for other services rendered by you?

A Yes.

Q And from what source has that compensation been paid?

A From St. Ann's.

Q And that compensation was for your other duties as Assistant Administrator, is that correct; that is, other than your supervision of the federal grants?

A Yes, the supervision of the federal grant is included in my responsibilities as Assistant Administrator.

Q What I am trying to clarify is the order is paid under the federal grant for the time you spend administering the federal grant; correct?

A Yes. That amount is in the form of contributed services, which is a piece of the match.

* * * * *

[16] Q Are there religious symbols visible at St. Ann's—crusifixes and posters, and so forth?

A Yes.

Q Is there a chaplin assigned to St. Ann's, or who officiates at services in the chapel?

A St. Ann's does not have a chaplin per se.

Q Who officiates, then, at services?

A The services are for the sisters and priests are engaged by them for their needs.

Q Do any residents, any of the young women who are residents at St. Ann's, attend any of the services in the chapel?

[17] A If they wish to.

Q How often are services conducted in the chapel?

A For the sisters, they are conducted every day.

Q Are residents free to attend those services?

A Anyone is welcome to come to the chapel at any time for any reason, for any purpose.

Q How many sisters are working at St. Ann's?

A Working at St. Ann's, there are eight.

Q Are there others who reside there or who have some other affiliation?

A Yes.

Q What is that?

A A sister attending school lives with us, some sisters who work elsewhere are residing there temporarily.

Q Are there religious symbols and pictures, and so forth, in the building outside of the chapel?

A Yes.

Q Are there crusifixes or other kinds of religious symbols in the administrative office section or sections of the building?

A There are some.

Q What about the program rooms or space?

A There may be some.

[22] Q Well, what I want to ask you is what is the policy of St. Ann's in terms of providing any informational services as to the usage of contraceptives?

A The information and services on family planning matters if handled through the Center for Life.

Q I am not speaking now, just to clarify, I am not speaking of just as to the federally funded grant, so prior to the federally funded grant, and for any recident or person there, the policy at St. Ann's would be to refer to the Center for Life? Is that accurate?

A That is right.

Q What is your understanding of what the philosophy or policy is of the Center for Life as to contraceptives?

A My understanding is that a range of informational services is provided in an educational context.

Q Is it your understanding that the Center for Life encourages the use of any particular kind of family planning?

[23] A My understanding is that they teach all methods of family planning in the context of health and medical perspectives, in the context of a woman's health.

Q Is it the position of the Roman Catholic Church, as you understand it, that methods of preventing pregnancy, other than abstinence or natural family planning, are not acceptable under the belief structure of the church?

A Right. Yes.

Q And does your policy of referring persons, as to contraceptive matters, to the Center for Life, is that consistent with your understanding of the Roman Catholic Church's position on family planning?

A Yes.

Q And why is that consistent?

A Because through their educational approach they enable the young woman to come to an understanding of what is best for her health and her body in order to make decisions regarding responsible sexuality.

Q Is it your belief that the teaching of consistency with one's health leads to the decision to use abstinence or natural family planning as a means of controlling pregnancy?

A Yes.

Q Is it your understanding that that is the position of [24] the Center for Life?

A Yes.

Q Just for the record, the Center for Life is affiliated with what organization?

A Providence Hospital.

Q And that is located in Washington, D.C.?

A Yes.

Q There are, I believe, a number of non-clergy employees at St. Ann's, is that right?

A Oh, yes.

Q And how are those persons who are lay employees of St. Ann's informed or counseled of the religious values or policies of St. Ann's?

A Could you restate your question?

Q How do you communicate to the lay employees, through what method, the philosophy or the beliefs or the policies of St. Ann's as an institution?

A Through ongoing supervision in administrative channels.

Q Are there any written statements of that policy?

A St. Ann's has a written philosophy.

Q And in what form is that?

A I don't understand.

Q Is it a pamphlet or book?

[25] A It is on a piece of paper. It is also printed in the Personnel Handbook. At the time that any employee is interviewed for a job, they have the opportunity to evaluate St. Ann's philosophy and decide if it is something they feel comfortable working with and they have a choice to work there or not to work there.

MS. HUNTER: Would you mark this as McNeil Exhibit No. 2?

(The document referred to was marked McNeil Exhibit No. 2 for identification)

BY MS. HUNTER:

Q Sister Betty Ann, I am showing you what has been marked as McNeil Exhibit 2. Do you recognize that?

A Yes.

Q What is that?

A This is the front cover of the Employee Handbook.

Q And I believe there is a second page. Is that the statement of philosophy that you just described?

A Yes.

Q And is that an accurate statement, a current accurate statement of the phiiosophy of St. Ann's?

A To the best of my knowledge.

* * * * *

[34] Q There are a number of subcontractors on the St. Ann's grant, is that correct?

A Yes.

Q Who are those subcontractors?

A The Center for Life, Providence Hospital, Catholic Charities of Washington, the National Center for Family Studies.

Q That is at Catholic University?

A Yes.

Q What was the relationship, as you understand it, between Providence Hospital and St. Ann's prior to the time of this grant? Can you just describe what that has been?

A Can there been a working relationship between the two organizations?

A Yes.

[35] Q What has that been?

A Providence has always been the prime provider of obstetrical and medical services for us.

Q Providence is a Roman Catholi Hospital, is that correct?

A Yes.

Q What about their relationship with Catholic Charities of Washington? Has there been, historically, a relationship with that organization?

A Yes.

Q And what has that relationship been?

A Catholic Charities has always been a provider of social services, basic human services, as well as a referral source and referral to and has provided adoption services upon request.

Q What is the function of Catholic Charities as a subcontractor under this specific grant?

A They provide the Outreach services.

Q Can you briefly describe what they are doing under the federal grant in terms of Outreach?

A They are providing services, primarily counseling services.

Q Are there specific locations where they are provided?

[36] A The nature of their work and the breadth of the area requires them to be very mobile in terms of where they actually provide the services and they go to a number of different sites.

Q Is the Southeast Pregnancy Crisis Center affiliated in any way with Catholic Charities?

A Yes, it is.

Q Is that one of the sites where they do counseling services?

A They may.

Q What about the Pregnancy Aid Center? Are you familiar with that?

A Yes.

Q Is that affiliated in any way with Catholic Charities?

A No, not with Catholic Charities.

Q Are there any services under this federal grant that are being done through or at Pregnancy Aid Center?

A Both of those crisis centers are referral sources and have the availability of the consultation of the community based workers, the Outreach workers. Services may be provided there, but generally, to the best of my understanding, are not.

Q So those two organizations are referral sources, but so far as you know, they are not generally locations where [37] counseling is done, is that correct?

A Not ordinarily by our workers.

Q Is the Pregnancy Aid Center affiliated with any organization or any religious groups, so far as you know?

A To my knowledge, it is not.

Q Where is that located?

A It is located in Prince Georges County, the area near the University of Maryland.

Q What about Catholic University? Historically, has there been a working relationship between St. Ann's and the National Center for Family Studies at Catholic University or other components of the University?

A To my knowledge, I would say there has always been a potential for collaboration, but a working relationship of the nature that we have with Providence Hospital and Catholic Charities, to the best of my knowledge, it has not previously existed. I would add that my understanding is that the National Center for Family studies is a fairly new organization less than ten years old, possibly less than five.

Q The time that you made your renewal application for funding in 1983, how much funding did you initially request from OAP, do you recall?

A Request from?

[38] Q Yes.

A If my memory serves me correctly, it is in the two hundred thousand ball park.

Q Do you recall that the amount that you eventually received was in excess of the amount that you originally requested?

A Yes.

Q Approximately how much was the difference, do you remember?

A If I recall correctly, on paper the figure appears to be $35,000.00, if I recall correctly.

Q What is your understanding about why you received the additional $35,000.00?

A It was very confusing to me.

Q Do you have an understanding about why you got the additional money?

A It is not clear. In the prior years, we did not receive the full dollar amount and my assumption was that it was—

MR. NELSON: Don't assume, Sister. If you know the answer, state it.

THE WITNESS: I am really not entirely sure.

* * * * *

[49] I believe there is or I believe you referred to a school on the premises or some kind of educational program; is that correct?

A Yes.

[50] Q How many teachers are employed to teach in that facility?

A To the best of my knowledge, it is about five.

Q Did that facility exist prior to the federal program?

A Yes.

Q Are any of those teachers paid, in whole or in part, by any funds under the federal program?

A Some of those positions are new positions or expanded positions and, therefore, do fall within the parameters of the grant.

Q How many teachers are paid, in whole or in part, by the federal funds?

A To the best of my knowledge, at least one full-time and two part-time equivalents.

Q Are paid under the federal program, is that right?

A Yes.

Q Why were there additional teachers hired with the federal funds?

A Because of the increased volume of students, the addition of the day program, and the program enrichment.

Q Do you know how many students are currently participating in the educational program?

A I don't know.

[51] Q You have mentioned several times the day program. Do you know how many participants there are now in the day program?

A At this moment, to the best of my knowledge, there are four involved.

Q In the day program?

A Yes.

Q What is the capacity of the day program?

A Ten. Ten, and the potential for up to twenty.

Q to go back to the educational program for a moment, can you give me some sense of how many persons there are participating in the educational program? Fewer then ten, fewer than twenty?

A The educational program serves the maternity residents the capacity is twenty-five—the aftercare residents—the capacity is eight—and day students.

Q And do you have a sense of approximately how many persons are actually participating in the educational program?

A I would have to guess.

MR. NELSON: Don't guess.

BY MS. HUNTER:

Q Can you give me an approximate number? Between five and ten, between ten and twenty?

[52] A At this moment, between fifteen and twenty. It is a low figure.

Q How many full-time teachers are employed in the educational program?

A At least four.

Q And in addition to that, there are some part-time teachers?

A At least five are full-time.

Q And, in addition, are there some part-time teachers?

A Yes.

Q Do you know how many, approximately, are part-time?

A At least two.

Q Are all of these teachers lay persons or are any of them clergy?

A Only one is a sister.

Q Is there any religious component to what is taught in the educational program?

A Religion is not a part of the curriculum.

Q The one teacher who is a sisterm what does she teach?

A Social studies, history—to my understanding—and individualized instruction with GED students, remedial work.

* * * * *

[53] Q Is there family therapy or family counseling that takes place as part of the federally funded program at St. Ann's?

A Yes, family services.

Q Can you briefly describe how that operates?

A I am not sure I understand what you are asking.

Q Can you tell me who does the family counseling or family therapy?

A The Outreach workers provide family counseling services.

Q Is there a family counseling that is done on site at St. Ann's?

A It may be.

Q Is family counseling part of what is provided to the [54] residents at St. Ann's?

A It may be.

Q Is it optional for them to participate, or why is it possible?

A The ability to provide family counseling presumes that there are family members available, accessible, and willing to be involved. Not all clients come to us from a family context or with active family involvement.

Q Does the program have some contact with the families of all of the participants or are there some participants for whom there is no family contact?

A We try to involve some family members of every client, whenever possible. "Family member" may mean a non-blood relative who is in a caretaker role, or substitute mother figure.

Q In your capacity as Project Director, are you aware, generally, of the nature of the counseling or family therapy that is done as part of the federal program?

A I don't understand what you mean by "nature".

Q I mean by that the general objectives or goals of the counseling or the process by which it is done.

A I am aware of the process. Because of the diversity of our population, I am not familiar with every individual [55] case.

Q Is it your understanding that adoption is discussed in family counseling sessions?

A It is my understanding that adoption is discussed in counseling with the young woman. Whether or not that is in a family context, I don't know.

Q What is your understanding of what values or philosophy concerning adoption is reflected in the counseling sessions with either the young woman alone or with her and her family?

A Could you rephrase that? I don't understand.

Q Can you tell me what you don't understand about the question?

A Values about adoption

Q Does St. Ann's encourage advocacy of adoption as an alternative for pregnant young women?

A St. Ann's advocates informed decisionmaking regarding pregnancy for a young woman. We believe it is important that she have the opportunity and the assistance, the professional assistance, to look at her situation and the feasibility of keeping her baby and raising it

as a single parent, or formulating an adoption plan. We do not push options over another for an individual. That must be her decision.

[56] Q Is it your understanding of the statute under which this federal grant program was created that one of the purposes of the statute is to encourage adoption as an alternative?

MR. MILLET: I object to your asking the witness for a legal opinion.

She may answer the question.

MS. HUNTER: I am just asking her understanding.

MR. MILLET: I understand. I am just noting my objection.

MS. HUNTER: Would you read the question?

(Question read)

THE WITNESS: MY understanding of the statute is that the promotion of the option of adoption be provided. In recent years, in my opinion, social workers have not adequately discussed the issue. Our goal is to raise the issue so the young woman can have the opportunity to evaluate that option for herself, rather than for us to advocate a position for her.

BY MS. HUNTER:

Q In what way does the St. Ann's program reflect the goal of promoting the option of adoption?

A At the present time, within the counseling group context, young women do return, who have been with us previously [57] and made adoption plans, and share their experience. Social workers from agencies who provide adoption services come and explain what adoption is, because most people generally are not familiar with what it is, and the procedures. We are looking at the present time for simple handouts that are prepared regarding adoption, and I know of one that is distributed.

We also have provided staff development sessions or a staff development session for Pathway staff to familiarize staff with what adoption is at the present time.

Q In what way is the option of retaining one's child promoted in the St. Ann's program?

A My understanding is that, again in the group counseling context, young women who have kept their child, who have been with us or who are known to other social workers on the outside, do return and share what their experience has been as a single parent, what some of the opportunities have been, and what some of the obstacles have been. In the counseling context, and in the educational process, realities of living independently and raising a child or being a school-age parent and raising a child are explored. For example, budgeting, obligations, parenting skills. We try to provide an overview of both options and we do have handouts that are provided to the girls about infant care and child development that would be useful after they would leave.

[58] Q Do you keep statistical information as to how many of the girls who participate in the program choose either the option of keeping their child or adoption?

A That information is gathered at St. Ann's, yes.

Q Is the goal of an increased number of young women who choose the adoption alternative one of the goals, as you understand it, of the St. Ann's program?

A I am sorry, I lost the question. Would you repeat it?

(Question read)

THE WITNESS: I would say that our goal is to enable each client to make the best decision for herself in her situation.

* * * * *

[76] Q What are the Outreach social workers instructed to do in the event that an adolescent inquires about abortion or the availability of abortion services?

A They would follow the policy of their agency.

Q And their agency is what agency?

A Catholic Charities.

Q And what is your understanding of that policy?

A My understanding of that policy is that the young women would be enabled to evaluate her situation to make her decision.

Q Is your understanding of Catholic Charities that its policy on abortion is consistent with the policies of the Roman Catholic Church on abortion?

A Yes.

Q Have you ever discussed the appropriate response of persons working under this Federal grant to an inquiry concerning abortion with anyone from the Department of Health and Human Services?

A No.

Q Have you ever attended any conference or meeting at which that topic came up, that is, how someone working under this grant should respond to an inquiry concerning availability or advisability of abortion?

[77] A No.

Q I believe it is correct to say from your previous testimony that if a young women asks an employee of St. Ann's about the availability of abortion services that she is referred to another agency, is that correct, to another institution for information?

A We don't provide information on abortion.

Q Is it also correct that it is the policy of St. Ann's that she would not be referred to any agency which itself provides abortions?

A Yes.

Deposition Excerpts of
Robert A. Hutson,
Director, Center for Life, Providence Hospital

[Direct Examination by Ms. Hunter:]

[15] BY MS. HUNTER:

Q Mr. Hutson, take a look at what has been marked as Hutson Exhibit 1. Do you recognize that?

A I haven't seen it for awhile, but I recognize it.

Q Can you state for the record what it is?

A The title is "Statement of Philosophy"—"Policy Name, Statement of Philosophy—Department, Board of Trustees, Providence Hospital."

Q Does this Statement of Philosophy accurately reflect the hospital policy, as you understand it, at Providence [16] Hospital on the issue of abortion?

A Well, that is the statement of philosophy for the hospital, and so I would have to read it to really respond specifically to that question.

Q Please do. Take the time and read it.

A Yes, I would say it does.

Q Is there any similar statement of policy from the Center for Life?

A No.

Q The Center for Life is a part of Providence Hospital, is that correct?

A Yes, with the understanding of the corporate structure that I explained before.

Q But there is no different statement that the Center for Life has generated? That is what I am trying to clarify.

A That would be correct, there is no different statement.

Q How is this policy, the hospital policy on abortion reflected, to the extent that it is reflected, in the activities of the Center for Life?

A I suppose the main programmatic reflection would be our reduced fee maternity program and as to how that

program functions. The intention of that program is to provide pre-[17]natal and delivery care for women who are termed self-responsible patients; that is, they don't have the benefit of medical insurance and are not eligible for medical assistance, Medicaid or, I suppose, Medicare could enter into it, and as a result of paying out-of-pocket for whatever medical care they would need for themselves and their baby, we provide a reduced fee program for them in order to help them with that particular—well, in most cases—problem that they have in dealing with the pregnancy at hand.

Q Do any of the activities of the Center for Life include counseling on pregnancies?

A Not as a general rule. The people that come to the reduced fee program, by and large, have made, if there was any decision to be made about abortion, have made that decision already and they come to us for financial help and medical care.

Q Does the Center for Life have a policy referral for abortions?

A Yes.

Q What is that policy?

A We do not refer.

Q Is that the same policy as the hospital, to your knowledge?

[18] A Yes.

Q Does the hospital accept Medicaid eligible patients?

A Yes.

Q Do you in the Center for Life come into contact with any Medicaid eligible patients?

A To a limited degree. If someone is a Medicaid eligible patient, they are not eligible for the Center for Life reduced fee package. They don't need it. And so they are referred automatically to people in the OB-GYN Center where the medical care for Center for Life, as well as Medicaid and other patients have been delivered and they

are brought into the medical service system directly, rather than through Center for Life.

Q Do you know whether the hospital does, apart from the Center for Life, does pregnancy counseling?

A Not to my knowledge.

Q How, other than to the extent that you know, other than the Center for Life activity, how is the hospital policy on abortion reflected in the services of the hospital?

A Other than the Center for Life?

Q Yes.

A Well, it is reflected in this policy that guides the medical operations of the hospital. In other words, abortions [19] are not permitted within the hospital.

Q What is the policy of Providence Hospital on contraception, to your knowledge?

A Well, again, the policy that we have here states the general policy. I can't place my eyes on it quickly, but I know I read it, or I think I did anyway. Maybe I didn't. In any case, the hospital, it does not prescribe contraceptives. Now, the exact definition of the policy is something that is a matter for the medical administration, and that is not part of my sphere of operations.

Q Is it your understanding of the policy that Providence Hospital does not furnish any chemical or medical means of contraception to its patients?

A That would be correct.

Q How is that policy reflected in the programs of the Center for Life?

A Well, we follow the same guidelines in that we do not, as one of our services, provide contraceptive methods or devices.

Q The Center for Life provides, however, a program of natural family planning, is that correct?

A That is correct.

Q And would it be accurate to say that natural family [20] planning is the sole means of fertility control which is

accepted by the Roman Catholic Church?

A No.

Q How would that be incorrect?

A Well, I am being technical. You could say that abstinence is also a means of fertility control and that, certainly, as I understand the teachings of the church that I belong to, that would be acceptable.

Q So those would be the only two methods, so far as you know; is that right?

A The only two, yes. In the case of natural family planning, it is a group of methods.

* * * * *

[30] Q Is the Rainbow program a different name for the adolescent fertility awareness program?

A Yes.

Q In other words, basically the same program was given a new name, is that correct?

A Yes, and copyrighted in the early part of '83.

Q Is the program that is being done at S. Ann's the only program that the Center for Life is doing which is funded by Title XX or the Adolescent Family Life Act?

A It is the only one.

Q And that program has not been presented anywhere except St. Ann's, is that correct?

A That is correct.

MS. HUNTER: Could we have this marked as Exhibit 2 and this as Exhibit 3?

(The documents referred to were marked Hutson Exhibits Nos. 2 and 3 for identification)

BY MS. HUNTER:

Q I am going to ask you to look Mr. Hutson, at both [31] Exhibits 2 and 3 and I direct your attention to the pages in each one that have 40 and 41 at the bottom. With regard to Hutson Exhibit No. 2, can you tell me what this is?

A It is a description of our part of the grant proposal that was submitted to HHS.

Q Did you write or participate in writing this part of the grant proposal?

A I did.

Q Directing your attention, as I said, to the bottom of page 40 and top of page 41, which is labeled "Module II The Facts about Contraception", and the first three objectives listed are, one, "to present complete information on the nature and function of the most common contraceptive methods" next, "to present information both on the advantages and the medical hazards of common contraceptive methods", and then next, "to discuss the advisability of contraceptive use among adolescents". Is that language the language of the grant proposal as you originally wrote it, to the best of your recollection?

A Yes.

Q Directing your attention now to Hutson Exhibit 3, can you tell me, briefly, what that exhibit is?

A It is a letter or there is a cover letter on it from [32] Sister Elyse to Marjorie Mecklenburg, indicating that she is sending a number of additions or supplementary material for the application, as was provided for in the application process, and she lists a number of items here. Some of that material is attached to it.

Q Let me direct your attention specifically again to the pages attached to Exhibit 3, which are labeled 40 and 41, and again to Module II—The Facts about Contraception, the objectives, which are now described in this exhibit as being, first, "To present factual information on the nature and function of the most common contraceptive methods, to present information on the medical hazards of common contraceptive methods, to discuss the inadvisability of contraceptive use among adolescents". Can you tell me the reasons why the objectives were changed?

A Well, essentially because we felt, when we put this grant together, as happens often when you are putting grants together, grant proposals—this one, as you probably know, is about that thick—(indicating)—there was a lot of work that had to be done very quickly and as we reviewed it, and there are a number of things on here that were added, there was a decision made that we should modify some elements of the grant proposal as we did.

[33] Q Who made the decision to modify those elements?

A Those particular ones, I did.

Q And why did you make that decision?

A Because we felt that the modifications that we made would more accurately reflect the work that we would be providing.

Q When you say "we", who are you referring to?

A Chris O'Keeffe, I think, and Ann Lanctot was mentioned in the material that I provided under the subpoena as another teacher, so Chris and I were the only ones involved at that point, but we knew there would be other teachers involved in the process.

Q Did Sister Elyse have any problems with the language that I have specifically referred to as it was originally written in Exhibit No. 2?

A Yes, I remember that she had questions about it.

Q What were her responses to that?

A Well, she felt that the way we were presenting it was going to—she wanted to make sure that we were accurately reflecting the material that we would be dealing with, and that was her concern.

Q At the time that you wrote the revision, did you feel that the emphasis on the hazards of contraceptive methods and [34] the inadvisability of contraceptive use, to use the language from your revision, more accurately reflected the contents of the program than did the original language?

A Yes.

Q So your testimony is that the language in Exhibit 3 more accurately reflects what you understand to be the program of the Center for Life?

A Yes, that would be correct.

Q Why did you feel it was appropriate to emphasize the hazards of contraceptives and the inadvisability of contraceptive use?

A Well, we knew that the method of family planning that would be provided, that would be offered through our section of the program, would be natural family planning and just by the rules, so to speak, of NFP, and I should make it a point that I am not talking about any moral rules—I am talking about just the way that one must abstain or observe signs, symptoms, in order to properly use the method, whether it is to achieve or avoid pregnancy, are inconsistent with contraceptive use.

If you are using—I don't want to go too far into this because I am not a teacher and I don't have the expert ability that someone like Chris does, but, for example, if you [35] were using a contraceptive foam during the fertile phase of the cycle, even if you were using natural family planning and decided to use the foam to avoid or protect against conception during the fertile time, you could end up obscuring the observation of mucus to an extent that you might actually have a much better chance of getting pregnant, because you wouldn't be able to read your signs properly, so I think that was in our mind at the time, that if you were going to offer natural family planning and at the same time talk up contraceptive use, encourage contraceptive use, this really wasn't consistent, from a practical point of view, and our objectives were to help the participants to avoid future unintended pregnancies.

Q I take it, also, that one of your objectives was to encourage the use of natural family planning, is that correct?

A Well, it is the method that we provided in our part of the program, yes.

Q And, to the extent that any other method of contraceptives would interfere or be counterproductive with the usage of that method, then those counterproductive methods would be discouraged; is that correct?

A I wouldn't say "discouraged." I think that a better way or the way I would put it is that you couldn't encourage both at the same time. It just, as I say, isn't smart. It is [36] not going to achieve the end for which the person is learning natural family planning, unless the person is trying to achieve pregnancy, and in this population the presumption was that the girls were not trying to achieve another pregnancy.

Many people come to NFP to use it as a—I was going to say "alternative" but I don't mean that—as an aid to conception, people who are experiencing infertility problems, so some people come to our NFP program for that reason.

Q But it would be fair to say, would it not, that the point of view that was to be expressed in this program was to encourage the usage of natural family planning, rather than to encourage the usage of any other kind of family planning?

A I would say that is correct, yes.

Q Is it your understanding that all methods of natural family planning are inconsistent with usage of barrier methods of contraceptives?

A That all methods of natural family planning are inconsistent with barrier methods?

Q Let me preface that by saying it is my understanding from your testimony that natural family planning encompasses a variety of methods of natural family planning. My question is are all of those methods inconsistent with the usage of barrier contraceptives?

[37] A I am thinking through that. I guess the only exception I could think of, and again I am not an expert in this area, but the only exception I could think of would be the use of a condom, which probably would not interfere

with mucus observation, although there is the potential for that. Condoms are, from the little I know about them, that method is not always terribly reliable, and I think that even there there could be a problem.

Q With regard to the basal body temperature method, would the usage of barrier contraceptives be inconsistent, so far as you understand it?

A No, so far as I understand it, although we teach all the methods. I think the concentration in our program is around what we call Sympto-Thermal Method, which is the combination of Billings ovulation, which is mucus observation, and temperature method, which is using the chart to correlate the two, because it gives someone a stronger, we believe, a stronger program, stronger method. We teach all of the observations so that a person can choose, but most people, if not all, go away and basically use sympto-thermal, which involves mucus observation.

Q So it is true with regard to the particular natural family method that is encouraged by the Center for Life that [38] the usage of condoms would be inconsistent, is that true?

A That would be true.

* * * * *

[42] Q And then directing your attention to Exhibit No. 4, which is the progress report that you signed, and then 8, which is labeled philosophical base which shaped our model for service delivery, is that answer under 8 there, which goes from page 2 to 3, a response to the guideline I just read?

A Yes.

Q And did you write that section of the progress report that is under number 8?

A I don't remember specifically writing it, but I would take ownership for it, for the program, yes, and it is very likely that I did write it.

Q If you would, take a minute to read that particular answer to that particular inquiry, I guess one could say, then tell me if that is, so far as you understand it, a correct statement of description of the program?

A Okay.

Q Can you answer the question or do you want her to read the question back?

A Yes.

(Question read)

BY MS. HUNTER:

Q My question is is that, so far as you understand it, a correct description of the program or the philosphy of the [43] program?

A Yes, I would say so.

Q And you would say that it was correct as of June 15, 1983, is that true?

A Yes.

Q Would you say that is correct as of today?

A Yes, by and large.

Q Is there any way in which it is incorrect as of today?

A Without a great deal of study, no, I don't know that there is anything that I see in there that I would say is not something we would agree to now.

Q Now, directing your attention to the bottom of page 3 of the progress report that you wrote, or wrote part of, or that you signed, No. 10, "Additional Comments", it states: "How is the work that we are doing in this project different because we believe in Jesus Christ?" That was, I believe, a response based on your previous testimony to something which simply says "Additional Comments on the inquiries from Sister Betty Ann", is that correct?

A That is correct.

Q Can you explain why you made that additional comment and what it means?

[44] A Well, at the time Sister Betty Ann was coming into her position—I don't recall the date—this was a part of our initial orientation, I suppose. She had asked for an

update on where are we in our side of the program, and, you know, the answers to the other questions reflect that. There was a great deal of concern on our part, that is, Center for Life, that the program did not have the caring attitude that we thought it should, that there was too much emphasis on program and on procedure and structure.

You know, there were other more specific things that had been observed in the St. Ann's environment, whether it was comments by students or teachers or whatever, not that there was a hateful environment, but there seemed to be too much emphasis on "program" and not enough emphasis on "person" in just a basic caring way, and so that comment was meant to strike a responsive cord in Sister Elyse, who I knew as a christian, to say to her, look, we happen to have, outside of our work in this project, we happen to have a common understanding of this person, Jesus Christ, who was a caring person and we should be doing a better job, and this was what was in my mind, that we should be doing a better job in caring for the girls as people than we are doing at the present time, because we have an excellent model.

Exhibit 1

PROVIDENCE HOSPITAL
STATEMENT OF PHILOSOPHY
BOARD OF TRUSTEES
December 22, 1973

Policy

A. Providence Hospital conducted under Catholic auspices through the sponsorship of the Daughters of Charity of St. Vincent de Paul of the Emmitsburg (Maryland) Province, also known as the Sisters of Charity of St. Joseph's, professes a philosophy of Christ-centered health care based upon the teachings of the Gospel.

B. The primary reason for the existence of Providence Hospital since its incorporation in 1864 is the care of the patient. In its actions Providence Hospital conforms to the law of the United States and of the District of Columbia as and when applicable, and consistent always with its rights, privileges and authorities confirmed to it by its charter and by the laws of the United States and of the District of Columbia, and consistent with its responsibility for prudent management and direction of its affairs and with its moral and ethical standards. *To this end, Providence Hospital recognizes that its facilities and services shall be made available to its patients without regard to age, race, color, sex, religion or national origin and will also make such facilities and services as barrier-free as possible for the purpose of assisting the handicapped.*

C. The moral and ethical philosophy expressed in this Statement of Philosophy arises from the religious beliefs and convictions of the Daughters of Charity of St. Vincent de Paul, which have been given corporate and institutional expression in the operation of Providence Hospital from the time of its original incorporation to the present. As a Catholic institution, Providence Hospital requires that all persons associated with it in any way in its health care programs regulate their conduct so as to be in conformity with

the moral and ethical philosophy of the Hospital which is: all men are dignified in that each is a unique creation of God and must be esteemed as individuals of worth, entitled to respect, and inherently vested with a right to life. This inherent right to life exists at every stage of being from the moment of conception, and this same inherent right to life compels recognition that no person has the right to injure or to terminate human life or to attempt to duplicate it by artificial means. Accordingly, any act which, by chemical or mechanical or surgical means, has the primary intended result of terminating a fetal or embryonic pregnancy or causing a miscarriage is prohibited. Likewise, any act which, by chemical or mechanical or surgical means whose sole immediate effect is the termination of life for any reason, is prohibited.

D. In order to insure that its responsibility for patient care is fulfilled, Providence Hospital will seek to exact from all persons associated with it in providing health care an accountability for their performance and for their conformance with the professional and institutional standards and with the ethical and moral principles applicable at Providence Hospital, as defined and promulgated by the Board of Trustees from time to time.

E. Inherent in the task of rendering care to its patients, Providence Hospital recognizes the need to provide for the spiritual as well as for the physical well-being of its patients. Furthermore, Providence Hospital acknowledges its desire, in accordance with its objectives, resources and facilities, of participating in the education of all persons associated with it in the care of patients, and of promoting an atmosphere conducive to the development of new techniques in the delivery of patient care and of encouraging and cooperating in responsible research.

F. Because of its adherence to principles of Christian social justice Providence Hosptial affirms that all persons associated with it in its endeavors shall receive recognition

of their personal dignity and worth and, in accordance with their individual development and receipt of appropriate material compensation.

G. Providence Hospital recognizes its position as one of many health care facilities and its responsibility for active participation in responsible planning for the provision of health care services and will, therefore, cooperate as appropriate and in accordance with its philosophy with other institutions and agencies in identifying and striving to meet health needs in a proper, efficient and an effective way.

Deposition Excerpts of
Mary Christine O'Keefe,
Coordinator of National Family Planning and
Adolescent Fertility Awareness at the Center
for Life, Providence Hospital

[Direct Examination by Ms. Hunter:]

[24] Q Under "Supplies", various amounts are listed for printing costs. Can you tell me what those supplies are? When you say fertility awareness module or contraception module, what does that mean?

A We had a number of handouts that we were making available for the girls at St. Ann's. There are some books, some articles, just those kind of things, just articles and books that were handouts, also some poster boards and supplies like that for them to do projects on.

Q What were the names of the handouts, the materials?

A Let's see. The fertility awareness module included the Rainbow booklet that is a part of the Rainbow program, a handout developed by the Department of Health and Human Services called "Eight Popular Reasons for Having Intercourse", a brochure called "Knowing is Caring and Caring is Sharing", [25] an article from Red Book magazine called "The IUD Story of Pain and Risk". In one class we gave a handout listing various contraceptive methods, their effectiveness and possible side effects. That was only given out in one class. And then books were provided that the girls could either take or not take, depending on their interests, called "Fertility Awareness", "The First Nine Months of Life", "Sex, Love and the Believing Girl", and once by mistake we took "Sex, Love and the Believing Boy". They seemed to like that one better. "The Good News About Sex", "Through Sex to Love", "Birth Control-Why are They Lying to Women". There may be one more. That is all of them I can think of right now, but it is the list, whatever list we submitted to you.

Q Does the list that you just stated for the record, does that include for the other modules, too?

A Oh, no. The Natural Family Planning Module also would include the Natural Family Planning kit of handouts and a basic body thermometer and the book, "The Cooperative Method of Birth Control".

Q Were you involved, Ms. O'Keeffe, in the preparation of the grant proposal that was submitted by St. Ann's that included the family life education component?

A Yes.

[26] Q Did you write that section of the grant proposal?

A I wrote part of that section, I believe. I think I wrote something and submitted it to my boss and he made changes and gave it back to me, and I made changes and he made changes and then it was submitted to Catholic University, I think, the Office of Family Services, or something like that, and they put together, helped put together the final package and I think there may have been some changes made at that point. So I had a hand in it, but did not actually write the section myself.

Q When you say your boss, to whom do you refer?

A Robert Hutson.

Q And he is the Director of the Center for Life?

A Yes.

Q Can you recall who, specifically, at Catholic University was involved with preparing the grant proposal?

A I think, among others, it was Steve Priester.

Q What was his role, exactly, in preparing the proposal?

A I don't know.

Q What was the nature of the changes that were made in the grant proposal, the section that you dealt with?

A I really don't recall. I think it was probably just a matter of phrasing or emphasis.

[27] Q What was the grant proposal? What sources was it based on?

A What do you mean?

Q The section of the grant proposal that you were involved in writing dealt with what was called the family life education component of the grant, is that right?

A Yes.

Q And that essentially involved presenting an adolescent program similar to the one that you had developed already at the Center for Life, is that correct?

A Well, no. Actually the fertility awareness section of the family life education component was similar to what we had developed and the natural family planning section was similar, but the parental component and the intimacy modules were very different. We had never done anything like that before.

Q So it would be fair to say then that you based two sections of the St. Ann's program on your previous materials; that is, the fertility awareness section and the natural family planning section, is that correct?

A That is correct.

Q And on what do you base the other parts of the St. Ann's program?

[28] A The intimacy section, I really can't remember any sources. I remember just trying to think in terms of the family life education, what did we want the girls at St. Ann's to be able to come away with, and we knew that we wanted them to come to a fuller understanding of intimacy and we began with development of self-concept and then friendship and then heterosexual relationships and marriage, and that it was a whole development of intimacy, but I really don't recall basing it on anything. It was more the needs that may have been expressed by St. Ann's, or maybe just a notion that we had of what family life education should involve. I assume that we probably looked at the grant, the regulations. I remember looking at

the regulations and deciding that, you know, we had to include certain things, but it has been so long since I have read the regulations, I really don't know what we based that section on.

Q Did you, yourself, have contact with anyone at St. Ann's during the preparation of the grant proposal?

A I know we got a request from St. Ann's to develop the proposal and submit it to them.

Q Do you know who that came through?

A I think it was from Sister Elyse to Bob Hutson to me.

[29] Q Did you have any contact with Sister Elyse yourself?

A I think I spoke to her on the phone after the proposal was developed, but I really don't recall. I don't recall having an especially close relationship with them. I know it was done very hurriedly. We had a very short amount of time that we had to develop the proposal, and so I think it was just a matter of sitting down and doing it, you know, and submitting it. I think there was very little contact.

Q Did the idea of including the Center for Life component come from, so far as you know, from Mr. Hutson or from someone at St. Ann's?

A I think it came from someone at St. Ann's, but I am not sure. I know it came to me through Mr. Hutson.

Q Did you become aware that there were revisions submitted to HHS of the grant proposal after the first version of the grant proposal was submitted?

A Oh, yes. That was at the request of Sister Elyse.

Q And do you recall part of the revisions were to change the description of the Module II as it was listed in the grant proposal, the facts about contraception?

A Yes.

Q And what is your understanding of why those revisions were made?

[30] A It seems to me that Sister Elyse was displeased with the language of the original proposal.

Q Do you recall what the language of the original proposal was, in effect?

A No.

Q Do you recall that the language of the original proposal was, essentially, to present information concerning contraceptives to the participants in the program?

A Yes, and I know that our intent never changed. We had intended to present the course the same way in the original submission as in the revised submission, but she was displeased with the wording in the original submission, and the intent and what we planned to include in the contraceptive unit never changed. We did the same thing that we had always intended to do.

Q Was her displeasure, to your knowledge, because the original submission alluded to a presentation of information that may have included advantages, as well as disadvantages, of methods of contraception?

A That may have been it. I know that the tone she probably—Well, I can't speak for her. I don't really know, you know, what she would have felt or thought, but she was displeased.

* * * * *

[35] Q What section do you teach?

A I teach at St. Ann's the contraceptives section.

Q Who teaches the fertility awareness?

A Mrs. Lanctot.

Q And what about the natural family planning?

A Sue O'Brien.

Q Can you tell me this: In comparing this outline of successions with the previous document No. 3, which was the description of the program as it was in the grant proposal, with, I believe, different modules and so forth, in terms of number of classes and so forth, there appear to be

differences between how it was outlined in the grant proposal and this document No. 4.

A Yes.

Q Can you explain those differences?

[36] A The differences came about very early in the program. At the very beginning when we, as we thought it through after the proposal was submitted, we realize that it would make a lot more sense to do the intimacy section prior to the contraception section, just in the natural flow of the course, and that we needed to spend more time on intimacy because the girls seemed to be having difficulty in understanding relationships and we wanted to spend more time with them on self-esteem building activities.

Q Now, the teenagers that you are talking about in terms of the St. Ann's program, these are pregnant teenagers, is that correct?

A That is correct.

Q Is the primary difference the change in the contraceptive module, that is, that it was moved to later in the course and was, apparently, shortened from three sessions to one session?

A It was actually shortened from three sessions to two sessions and then later on those two sessions were combined into one, and the intimacy section was increased from three sessions to four sessions, and the order was switched.

Q Why was the contraception section shortened so much?

A Mainly because we found that we could cover the [37] material in a shorter amount of time than we had expected to.

Q And the material that you cover is contained on the one page outline, or is outlined on the one page that is listed in here under contraception; is that correct?

A Yes. In the course of the time that we have been involved with the St. Ann's grant, the natural family planning section has been revamped in our hospital natural planning section and improved, and so we made those same improvements for the St. Ann's classes. It is a series of four classes, rather than three.

Q With regard, again, to the contraception section, you say in the first paragraph that it is sometimes two sessions?

A Yes.

Q Can you tell me why it is sometimes one session and sometimes two sessions?

A It depends mainly on the number of questions that the girls have and the personality of each individual group, mainly. Some of the girls were more or less open to the contraceptive information and more or less willing to listen, more or less willing to participate and to ask questions.

Q You prepared this outline yourself, is that right, for the contraceptive section?

[38] Q And it is based, the outline is based on what?

A What I actually teach in the sessions.

Q Do you have any medical training, Ms. O'Keefe?

A No. I have a degree in biology and my natural family planning training, and that's all.

Q And on what do you base the information that you teach in the contraception session?

A Much of it was gleaned from the book "Women in Crisis and Sex Hormones", by Barbara and Gideon Seaman, M.D. A good bit of it was gleaned over the years from information that I picked up at conferences and information that comes into the office on various methods of contraception.

Q Did you consultant with any physicians at Providence Hospital or anywhere else in preparing the materials for this section?

A No, I did not.

Q Did you consult with any nurses or any person on the medical staff at Providence?

A No.

MS. HUNTER: Would you mark this O'Keeffe Exhibit No. 5?

(The document referred to was marked O'Keeffe Exhibit No. 5 for identification)

[39] BY MS. HUNTER:

Q Do you recognize the document marked as O'Keeffe Exhibit No. 5?

A Yes. This is the handout that I referred to earlier that was given out at only one of the St. Ann's presentations on contraception.

Q Who prepared this handout?

A This handout was prepared several years ago as a part of the natural family planning component as reference material. It was never given out in any kind of package. It was just when people requested information. It wasn't a regular handout. And I think I prepared it—again, it was several years ago—but it was taken from a book, and I don't recall the name of the book.

Q What was the book about? Can you describe it?

A It was a natural family planning book from a program in New York, Rochester, New York, I think, but I can't recall the name of it.

Q From a natural planning program in Rochester?

A Yes.

Q Do you know whether it was published by a Roman Catholic affiliated organization?

A I don't know. I don't recall.

[40] Q You say it was used in the St. Ann's program once, is that correct?

A Yes.

Q Why was it only used once?

A Mainly because it had been so long since it was put together that I was unsure of its accuracy and I didn't want to hand it out if there was anything doubtful about it. I knew that at one point this handout had a typographical error in it and I thought that it was revised, but I couldn't remember whether this was the revision or this was the copy with the error in it, and because I wasn't sure of its validity, I never gave it out again.

Q Did you prepare any similar handout after that?

A No.

Q Any handout that dealt with methods and side effects of contraception?

A No.

Q Was there any reason that you didn't prepare such a handout?

A No. Lack of time.

Q Did you show this particular handout to any of the medical staff personnel at Providence or elsewhere?

A No.

Q Was this handout modeled on any other handout that [41] you had seen?

A No. It was just taken from that book several years ago.

MS. HUNTER: Let me have this marked as O'Keeffe Exhibit No. 6.

(The document referred to was marked O'Keeffe Exhibit No. 6 for identification)

BY MS. HUNTER:

Q Do you recognize the document marked as O'Keeffe Exhibit No. 6?

A Yes. This is an article from Red Book magazine.

Q And is this one of the handouts that has been used in the Title XX program?

A Yes.

Q Is this still being handed out?

A Yes.

Q Why did you select this as a handout?

A Because I thought that it explained the risks of the IUD in a way that would be easily read and understood by the girls at St. Ann's that would capture their attention.

Q Were there any handouts that you used in the contraception session, other than these two exhibits, No. 5 and [42] No. 6?

A No.

Q Did you feel that these two exhibits represented the most comprehensive and most accurate information available concerning contraceptive devices?

A Certainly not.

Q Then why did you hand out only these two?

A Mainly because the bulk of the presentation is not based on handouts and the facts that the girls often aren't motivated readers. They are not girls who really are interested in doing that much reading and studying. The bulk of the presentation is the oral presentation and they weren't meant in any way to be comprehensive. They were just things that I had come across that I thought might be helpful.

Q But, I take it that the girls did not physically take with them any other materials on contraception from this session other than these two?

A Some of them did take the book that I referred to before, "Birth Control-Why Are They Lying to Women".

MS. HUNTER: Off the record.

(Record temporarily suspended)

BY MS. HUNTER:

Q Why don't you just identify these? These are the [43] only ones in natural family planning and the rest are—

A They are the ones I mentioned here today.

MS. HUNTER: Why don't you just mark these as the next exhibits?

(The books and pamphlets referred to were marked O'Keeffe Exhibits Nos. 7 thru 15 for identification)

BY MS. HUNTER:

Q Ms. O'Keeffe, would you look at Exhibits 7 through 15 and tell me if all of those exhibits are documents that you previously described that are handed out in the St. Ann's program?

A Yes, 7, 8 and 9 are handed out to each participant and 10 through 15 are provided as resource material for those girls who wish them.

Q And on what basis did you select those materials to be resource materials?

A We were looking for materials that stressed self-discipline and responsibility in the area of sexuality and these were the only ones that I was aware of, with the exception of "The First Nine Months of Life" and "Fertility Awareness", which are simply physiological materials.

Q The other materials were written or published by [44] religious authors or publishers, is that correct?

A I don't have any idea of the religious affiliation of Dr. Espinosa, and I don't think Vantage Press is a religious press, but the others were written by priests.

Q And Dr. Espinosa is the author of which one?

A "Birth Control-Why Are They Lying to Women".

Q I am reading from "Birth Control-Why Are They Lying to Women", the first page of text, which is entitled "A Prolife Manual". The first sentence of that is "This pro-life work has tried to apply something not found in most other works on birth control, wisdom and knowledge". Further down on the page, "The pro-life answer to the antipeople approach is given with an introduction of natural family planning".

To your understanding, Ms. O'Keeffe, does this book reflect what might be called a pro-life or antiabortion perspective?

A From what you have read, I would suppose so, yes.

Q Have you never read the book?

A I had read sections of the book, but I don't think I ever read the full book. It is a book that is not particularly well written and it is a book that I apologized to the girls for when I presented it to them, because it does have some problems, but it was the only book that I could find that [45] seemed to be presenting a side of the contraceptive issue that a lot of the girls had not been exposed to before. All of them indicated in class that they had already received sex education in their schools and had an understanding of contraceptive methods. In fact, in some cases they were a little hostile about the contraceptive class. I was really looking more for books that didn't stress so much the pro-life issue as the exploitation of women by contraception that so often occurs.

Q When you say you wanted to present a side that hadn't been presented before, what side do you mean?

A I wanted them to understand a little more fully the history and development of contraception and some of the physical and emotional side effects that have been noted, as well as, like I said, some of the ways that, on occasion, women have been exploited by contraceptives, and I think it was a side of, the more negative areas, of the contraceptive issue that very often very few people are exposed to.

Q And did you make any attempt to present any materials that contained the more positive side of methods of contraception?

A No, mainly because I care about the girls a great deal and don't want them to be exposed to that harm, and in [46] conscience, I see very, very little positive about contraception personally, and that is mainly gleaned from comments from people who have come to me seeking natural family planning after using contraceptive methods, and I wanted the girls to see sort of the other side that those people had come to after their experience with contraception and only to share that side with the girls.

Q And so you, essentially, used a contraception class as a way to share that perspective with them, is that correct?

A Yes, and also because they had indicated that they had already received a more positive approach to contraception in their schools.

Q You mentioned that you thought the girls were sometimes hostile to the presentation. Can you describe for me what you mean by that?

A Well, they often would say that they didn't understand why they had to be there, that it was too late now, you know, in terms of contraception, and I remember on one occasion a girl being very much opposed to the class because she said that she did not believe in contraception and didn't want to listen to anything about it and wanted to leave.

Q And did any of the girls ever indicate that they believed in, essentially, the more positive aspects of contra[47]ception?

A There was a good bit of discussion in the contraceptive glass. Some of them indicated that they used contraceptives in the past. Usually, for example, when I began to present on the pill, there was usually somebody in the class who said that doesn't work, I used it, you know, or something to that effect. For the most part, I would say no, they were not prejudiced against contraception – for the most part. I just recall the one girl who was really opposed to contraception.

Q Had all of the girls in the class received prior sex education in public schools?

A I wasn't there when the question was asked, but Mrs. Lanctot reported to me that she asked that question in her section and was advised that they all had received sex education in schools.

Q Have you ever sat in on any of the public school sex education classes?

A Not actual classes with adolescents, no. I have been to presentations on different materials available in public schools and, you know, different things for sex educators in the area.

Q I presume that the girls in the program did not all come from the same public school system, is that correct?

[48] A That is correct.

Q What public school systems did they come from?

A I don't know.

Q Did you make any effort to ascertain exactly what the content of their sex education classes had been?

A No. Again, Mrs. Lanctot was the one who asked that question, and I don't know to what extent she pursued it.

Q In the course of your presentation on contraception, did you inquire as to what they had been previously taught about contraceptives?

A No.

* * * * *

[51] Q Let me now show you O'Keeffe Exhibit No. 18. What is that?

A This is the adolescent component from the Rainbow program.

Q And does that include the fertility awareness section?

A Again it includes the fertility awareness section that was based on this, but –

Q Just for clarification, you mean the fertility awareness section of the Title XX funded St. Ann's program was based on Exhibit 18?

A Yes, some of it was gleaned from here, but this, per se, isn't exactly used.

Q How is the St. Ann's program different from what is in Exhibit 18?

A Because Mrs. Lanctot teaches that section, I can't tell you exactly what is different, but I know that some of the examples and some of the wording here is inappropriate for the girls at St. Ann's and wouldn't have been used.

[52] Q Why would it be inappropriate?

A Well, mainly because it is geared more to girls who are not pregnant, so the whole section on Jennie and Tom and their being faced with a pregnancy has already occurred for those girls and they have already dealt with those issues, so it would be pretty boring for them. The explanation of the reproductive system would be the closest to what is actually being done at St. Ann's, and again because of the diversity among the group at St. Ann's, and often the lack of diversity in other groups that we present the Rainbow program to, some of the things that are in the Rainbow program wouldn't be used at St. Ann's. Most of the time the Rainbow program is presented in Catholic schools or Catholic Church groups and the emphasis that is in part of the Rainbow Program would be inappropriate at St. Ann's.

Q What emphasis is that?

A For example, on page 20 of Exhibit 18, this is a reference to what the church has taught and that wouldn't be presented at St. Ann's.

Q Other than that particular reference, are you aware of any other part of that program or that program segment that would be altered for the presentation to the St. Ann's program?

A Well, again I can't say for sure, because Mrs. [53] Lanctot teaches it.

I see another reference up here to spiritual intimacy, and I am not sure how much she goes into that at St. Ann's.

Q Is the concept of sexuality as God's gift to individuals included in the program as it is presented to St. Ann's participants?

A I doubt very much that it is presented in that way. I think it is presented as fertility as a marvelous power, but whether it is specifically a God-given gift, I would doubt very much that it would be presented that way at St. Ann's.

* * * * *

[83] Q Would you characterize St. Ann's as being clearly a religious institution?

A It certainly is an institution founded by a religious order, but in terms of the way the girls are dealt with, I don't think it has a particularly religious orientation at all.

Q It is staffed by nuns, is that correct?

A Partially, yes. The administrative staff are Daughters of Charity.

Q How do you think the atmosphere of it, to the extent that it is religious, impacts upon your component of the program?

A Very little. I think a lot of people have been disappointed by the lack of religious affiliation that St. Ann's has in terms of the actual impact upon the girls. I don't really see that that has any impact on our component.

Q Are the classes that you do, are they at the Center for Life or at St. Ann's?

[84] A No, they are at St. Ann's, in the school. St. Ann's has an area where they have an accredited high school and that is where the classes are held.

Q The building of St. Ann's itself, are there religious symbols or religious pictures, and so forth, in the building?

A Yes.

Q It is clear to, I would assume, to any visitor that it is a religiously affiliated institution?

A Oh, yes, from the externals, yes.

* * * * *

[96] Q Well, the philosophical, to the extent that Exhibits 10 through 15 are philosophical, they are the same materials that you use in the St. Ann's program that are listed in the bibliography for the Rainbow program; isn't that correct?

A That is correct.

Q So it would be fair to say that that is the same philosophy, isn't that correct, since it is the same materials?

A Well, again, as I have testified before, the reason that those materials were given to the girls were because they stressed self-discipline and responsibility in sexuality and because they presented a different view, also, than I thought the girls had been exposed to, so I didn't see any need to present more information from other points of view when that is what we were trying to accomplish. Self-discipline and responsibility are not, in my view, religious values, but are human values that all of us are better off in being able to live within.

Q And the views on self-discipline that are represented [97] in the materials, or at least partly so, the views that are represented in the materials, they are the handouts in the program, I would assume; is that correct?

A Yes. The only thing is I am not aware of other materials that stress self-discipline and responsibility that don't have some of the other things attached with them. If I knew that they were available, I certainly would have provided them, but I am not aware of any information that separates the philosophical or presents some of that emphasis on responsiblity without also presenting information that could be construed as religious.

Q So what you are testifying, then, is that you believe that or you are characterizing your presentation in the St. Ann's program as not religious, bu the materials that you give out are religious materials which, to your knowledge,

are the only ones available which espouse your beliefs or the program's beliefs as to self-discipline, and so forth; is that correct?

A In our research, in trying to revamp the program, we are coming across some other materials that might accomplish that, but at the time when we developed this, I wasn't aware of them.

Q And, again, with regatd particularly to the contra[98]ception unit of the program, the only materials that you felt adequately reflected your side or your view of contraception are the materials that we previously discussed and that were handed out; is that correct?

A Well, again, I don't think that those materials were adequate. As I said, I think they had inherent problems of their own, and I was disappointed in them, but I had nothing else better.

Q Do you believe that the presentation that you made on contraception; that is, as to the negative side effects of methods of contraception, other than natural family planning, is an accurate scientific presentation as to method of contraception?

A Yes.

Q Are you aware of any authority to the contrary?

A No. The facts that I presented are facts, historical and medical facts.

Q And you did not consult with any physicians or other medical staff to verify that, is that correct?

A No.

Exhibit 4

Curriculum at St. Ann's

INTIMACY III St. Ann's Class 4

* Sign-up sheet.

Based on Walter Trobisch's *I Married You.*

Last week: talked about friendship – intimacy, importance of communication – all the areas possible – in trust.

Traditions of MARRIAGE, its development (elaborate on why).

All cultures, very strict rules.

Christian tradition – developed from Jewish and Old Testament.

Only mentions marriage as such four times:

Genesis

Two Gospels, Matthew 19 and Mark 10:7

Paul relating to Ephesians 5:31

Genesis 2:24: Therefore a man leaves his father and his mother and cleaves to his wife and they become one flesh.

Three essentials to marriage –

1. Leaving – formal. Public announcement, preparation, marriage license, public statement.

   Leave parents – like child born, cut cord.

   Hens raising duck – stand on bank and cackle.

   If not leaving parents and past attachments – trouble

   Leave, not abandon – parents trouble accepting this; in-laws.

2. Cleaving – only really cleave if have left. Stick to, pasted (ex, paper, if you try to separate i , it tears).

Closer than to anyone or anything else, even job, profession.

More important than friends, visitors, sports, and even children.

Problems with first child: wife shifts attention, husband outside.

Cleave: old time – against polygramy of OT times, King David, etc. now – successive polygamy, divorce, string out marriages.

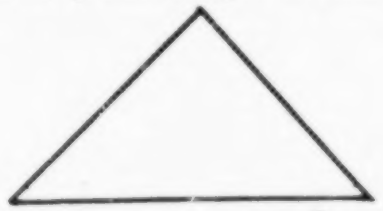
Cleave – love, not used here. Special love, decision made: No longer groping and seeking. Mature love, decided to remain faithful to one person and share whole life.

3. One flesh – Describes physical, sexual aspects of marriage. As essential as legal and personal aspects. Often think of body as nothing to do with God, body is good. Spirit in us. Speak of body – accept and regulate important. Hard for most people to talk about, do. Not too awful or too holy. Sex ¬ made by and belongs to God, way to Creation; can and must talk about it. One flesh means share all – bodies, material possessions, hopes and fears, successes and failures, strengths and weaknesses.

   Become one: body, soul, spirit; remain two different people, strong. Symbol of Liberian couples – one work of art.

Three parts inseparable:

Leave: public, legal wedding



Cleave: love, faithfulness

One flesh: physical union, sex, possessions

Couple, child not mentioned. Blessed them, then be fruitful and multiply. Child does not make the marriage; childless, still couple.

Garden Concept:

woman – condemned for adultery.

buyer – pays for, goes from garden to another plant's seed.

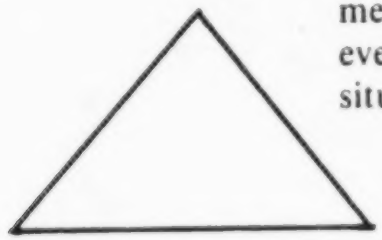
Western, post-Christian. Makes both buyers and sellers. Does not stabilize or grow.

Will of God

triangle, tent

leave

dynamic triangle, meets personal need every cultural and situation.



love, faithfulness

one flesh

Empty marriage, no love, lacks cleaving, too absorbed, becomes seriously ill, infidelity. Not marriage which causes this but the lack of love.

Movies – husband looks for someone to fulfill these needs, jealousy, mental unfaithfulness to the real thing.

Stolen marriage –

Greatest in our time, think sex and love = all.

Top of tent not there, rains in; children deprived of wholeness of tent (marriage and father).

Real handicap for love –

Premarital, sometimes undignified, hurried; love cannot flower.

Fear of leaving if pregnant, etc. Undermines trust. Love does not have chance to show its desirability.

Unfulfilled marriage –

Lack of development of sexual; tremendous suffering; couples different energy levels and sex interest. Should woo each other, make effort, grow.

The wedding entrance – p. 44, Fiddler. Often neglect love.

Sex entrance – love does not grow out of sex, love grows into sex. Outside of marriage, danger of egotistic reasons:

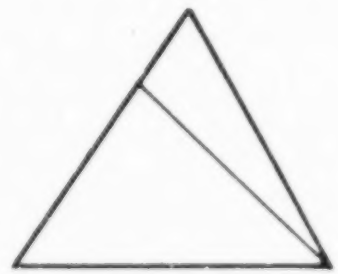
boy
(Learn by doing
(Likes feeling
(Thinks it is necessary

girl
(Hopes to bind him to her
(Likes the feeling
(Wants a child

Sometimes, often, leads to hate rather than love (Amnon and Tamar, II Sam 13).

Love entrance – intimacy.

Unbalance triangle, tent falls.



No one – waiting, hurt
some – maybe did good
Far more –

INTIMACY IV St. Ann's Class 5

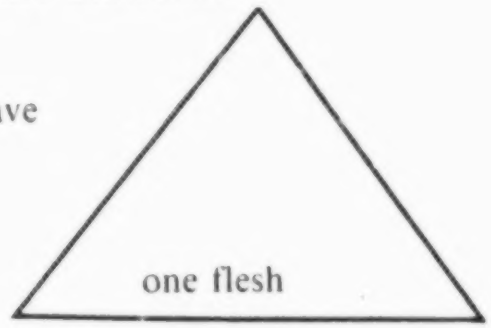
Societal – religious traditions and marriage.
All societies, basic rules.
Protection of passing on species.
Some, protection of woman and child

Two basic approaches.

Chinese	*Garden*
African	is brought,
	receives seed,
	grows it,
	stays put,
	is transferred
	Gardener
	buys, "bride" price, fertility,
No necessary	plants,
growth of	disposes,
love and	moves from garden to garden
self-respect.	

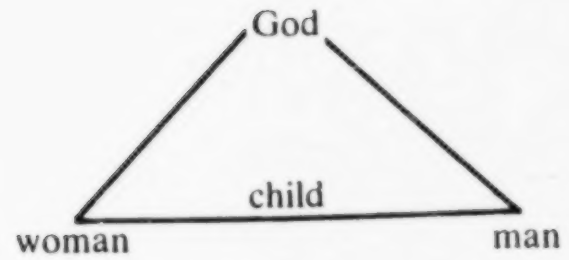
Our modern philosophy: women can go about like men.

Judeo-Christian:



two parents,
sharing deepest level.

Don't like the angles.



Creator – just creatures, not
alone, plan our initiative.

God – love and life. Closest to him – making love and
privilege of giving life.

Not alone.
Difficult –

1. Set goals – develop support groups.
2. Living with unfulfilled desires – time right, me and him in view of goals, what building toward.
3. Prepare for marriage –
   discussion groups
   church groups.
4. Caring for each other, the good – over next 50 years.
   Man (husband)
   Child
   Self.

Ultimate goal –
Why am I here?
Who can help me understand this and live it responsibly?

Exhibit 5

Handout Used in St. Ann's Curriculum

Reliability	*Method*	*Possible Side Effects*
99.99%	Abortion	Sterility, death, surgical complications. In subsequent pregnancies: greater risk of hemorrhage, longer labor in all three stages, 4 times higher incidence of complication with the placenta, increased risk of miscarriage, increased risk of premature birth.*
99.96%	Female Sterilization	Tubal pregnancy (can be fatal), surgical complications (can be fatal), Heavy menstrual bleeding, painful cramping, increased incidence of pelvic disease.
99.85%	Male Sterilization	Painful immediate reactions, long-term continued discomfort, aching testicles, low-grade fever, surgical complications, impotence (psychological), premature ejaculation, absorption of unejaculated sperm by surrounding tissue may stimulate auto-antibodies (antibodies against self rather than against invading micro-organisms) which could cause complications, non-reversible.

Exhibit 5—Continued

Handout Used in St. Ann's Curriculum

Reliability	*Method*	*Possible Side Effects*
99% **	Pill	Death, sterilization, heart attack, stroke, cancer, paralysis, abortion, cervical erosion, migraine, depression, vision impairment, high blood pressure, gall bladder disease, liver tumors, birth defects in offspring, carbohydrate and lipid metabolic effects, ectopic pregnancy, bleeding irregularities, nausea, vomiting, abdominal cramps, bloating, edema, chloasma, melasma, breast tenderness, change in weight, suppression of lactation, cholestatic jaundice, rash, changes in sexual desire, blood clots, changes in appetite, cystitis-like syndrome, nervousness, dizziness, fatigue, backache, hirsutism, loss of scalp hair, erythema multiforma, erythema nodosum, hemorrhagic eruption, itching.
99%	Natural Family Planning Sympto-Thermal and Temperature Methods	NONE

Exhibit 5—Continued

Handout Used in St. Ann's Curriculum

Reliability	*Method*	*Possible Side Effects*
98.6%	Natural Family Planning (Ovulation Method)	NONE
97%	IUD	Abortion, cramping, bleeding, death, perforation of the uterus, increased risk of miscarriage, ectopic pregnancy, septic abortion, septic uterine infection, pelvic inflammatory disease, endometritis, sterility, heavier menstuation, backache, cervical erosion, vaginitis, allergic reaction.***
88%	Diaphragm with Creams or Jelly	Vaginal irritation from creams or jelly, increased risk of birth defects.
85%	Condom	Vaginal irritation, decreased sensitivity, increased risk of birth defects.
75%	Calendar Rhythm	NONE
72%	Foam	Vaginal irritation, increased risk of birth defects.
63%	Cream and Jelly	Vaginal irritation, increased risk of birth defects.

Exhibit 5—Continued

Handout Used in St. Ann's Curriculum

*Reports from countries which have had legal abortion for many years (England, Japan, Sweden, etc) indicate the following: 4-9% increase in sterility; 100-150% increase in extrauterine pregnancies 40% increase in premature births; 43% increase in infant deaths from congenital malformations; four times greater incidence of pelvic infections, menstrual disorders, etc.

**The original studies in 1958 showed the pill to be 87% effective, with no known side effects. The present 99% figure does not include the mini-pill, which although it may have less severe side effects for the mother, is much reliable (97%). It does not attempt to supress ovulation, but works by changing the cervical mucus, the contration rate of the fallopian tube, and changing the lining of the uterus so as to keep the embryo from implanting in the womb (that is, it causes a very early abortion. The combination pill works by the same machanisms, although it also probably supress ovulation some of the time.

***The IUD works by causing chronic inflammation of the uterine lining, preventing implantation, or dislodging the embryo. It doesn't prevent ovulation or conception.

Exhibit 12

Excerpts from J. McGoey, *Sex, Love and the Believing Girl*

CHAPTER TWELVE

Masturbation

* * * * *

129. ***Why has the evil of masturbation been exaggerated?***

Sexual sins are not the worst sins committed. However they are sins which do affect your basic need to develop the loving, woman-man relationships so vital to your happiness. Many well-meaning teachers of sexual morality, rather than challenge people to be strong, filled them with "fear" of evil, as the easiest way to keep them out of trouble. They did not understand just how unhealthy it was to pit the emotion of fear against the sexual emotions, or how useless it was to expect virtue to result from that fear. In an honest but futile effort to help people to avoid masturbation, many bad effects were wrongly attributed to the masturbation which was itself the result of emotional problems, rather than their cause. Virtue, not fear, is the cure for sin. The bad judgment and ignorance which caused these well-meaning teachers to make such a mistake is more than matched by the stupidity of modern teachers who declare masturbation to be no sin at all, when the disastrous evidence of such an attitude lies in the devastating effects before their very eyes. Those who stupidly exaggerate the evil of masturbation do less harm than those who insist that it is a perfectly normal outlet for emotional tension. Masturbation is an obvious form of addictive selfindulgence, at odds with the selfdiscipline necessary to become a loving person, – forgetful of self, thoughtful of others.

130. ***How damaging is masturbation?***

The central theme of this book is that your personal maturity, happiness and fulfilment consist in becoming a truly loving person. The selfish, exploitative use of sex gives top priority, at least momentarily, to your own sexual pleasure. The greater your use of sex for this purpose, the harder it becomes to use it for your own real good, the good of your marriage partner and the good of society itself. Damage to your central power to love is the worst damage you can sustain. Everything that holds your attention on yourself takes that attention away from those you love. Masturbation does exactly that. It is typical of those "lovers" who, denied sexual indulgence by those they claim to love so much, threaten to go to others who will give them what they want. Nothing can compete with "what they want" in life. The habit of masturbation so conditions you to pleasure on demand that you have little concern for anyone you cannot manipulate to serve your own pleasure demands. Few habitual masturbators ever become loving people, happy people. Masturbation is about as unproductive as any habit can be. There are so many better things to do with your time, energy, attention and talent.

CHAPTER THIRTEEN

Lesbianism (female homosexuality)

* * * * *

134. ***Why do lesbians claim to express love genitally?***

They do this because of a misunderstanding of love, which is personal rather than sexual, and the common delusion that there is something essentially loving in the sexual act itself when, in fact, there is not. The homosexual movement (ironically called GAY) is a basically angry, unhappy and unloving group, united primarily in resentment of a world which will not accept their genital sexual activities as normal. They are drawn together by what they consider to be discrimination against them, in the common cause of survival in a hostile social atmosphere. Grasping neither the true nature of human sexuality nor the true nature of personal love, they are a confused, selfrighteous group. They feel more comfortable about, eager for and responsive to sexual activities with those of the same sex, who like themselves, seek genital pleasure which both parties choose to call love, but which is, in fact, merely mutual, genital satisfaction.

* * * * *

137. ***What are some explanations of the lesbian fact?***

The many conflicting opinions and general confusion about homosexuality make it plain that there is no simple, adequate explanation of the lesbian fact. However, there are several factors commonly observed in the phenomenon. Among them is the strong identification with a man-hating mother, wife of a fugitive husband who abandons his child. The actions of the husband and father usually came after a tempestuous, unhappy sexual relationship, and were followed by a protective and possessive

relationship with the daughter, who is "all the mother has". The mother has two missions, one, to hold on to her daughter and two, to save her from the bestiality of men. Other common factors in the lesbian fact are, the segregation of girls from boys in the sexual discovery age bracket; all girl families with little association with boys, where the first introduction to sex is with peer girls; situations in which the first love, friendship, affection, tenderness, understanding and sharing are with girls, and have genital impact which leads to sexual expression and experience. While these may by contributing factors, they are not sure, determining factors, There is no substantial evidence that childhood crushes of one girl on another, expecially an older girl or female teacher, have any lesbian significance, however common they may be as experiences of lesbians.

Another lesbian factor is the man-hating girl, who is by nature sexual but cuts herself off from normal, heterosexual experiences or associations, leaving herself open to lesbian sexual experience. There are many explanations for the man-hating girl. Many girls resent being born, like it or not, into a male-dominated world. Others resent physical beauty being the topmost criterion for male pursuit, while many, if not most males stupidly ignore finer women with superior talents, character and capacity for personal love.

* * * * *

147. ***How serious a matter is induced abortion?***

Abortion is always a serious wrongdoing, unless there are mitigating circumstances, such as genuine ignorance or outside pressure of such magnitude that it lessens or eliminates personal responsiblity. This would be true in those abortions enforced by the state, or against the will of the mother. No one has a right to have sex when there is no mutual intention to cherish, safeguard, protect and provide for the life that may be conceived. Abortion merely compounds the evil by adding the wilful termination of an innocent life to irresponsible sexual intercourse.

148. ***Is a newly generated human embryo, or fetus, a complete human life?***

A complete human life involves old age and a natural death. Nevertheless, a whole new human life begins at conception. There are those who doubt or deny this because of the obviously undeveloped condition of the new foetus or conceptus. However, science has now proven, beyond any reasonable doubt, that human life begins at conception. The conceptus, from the very beginning, has its own life, is a totally new human being, a new person, with a genetic code quite distinct from the genetic codes of its parents. Since the only life generated by human beings is human life, that new life is completely there at conception, lacking only development and growth. As for completeness, fundamental development does take place in the womb, however full human development takes place only outside the womb after birth.

149. ***Why is abortion immoral?***

However confused the motives, abortion always takes an innocent, already existing life. Since human life is the highest form of life on earth, man's greatest responsibility lies in generating other human lives responsibly. However, once generated, even irresponsibly, the new life is as sacred as the lives of its generators; it must not be interfered with as is done with abortion. The aborted foetus lacks only a few weeks of time, for full protection of the law. Abortion is even more serious if its only real, natural protector, its mother, remains silent or is an accomplice in the death of her unborn child.

150. ***If abortion is wrong, why is it legal?***

Legality is a matter of the laws of man and society. Many of these laws have been, and are, grossly unjust and discriminatory. Morality is a matter of the laws of God

and the Church, which laws, by their nature, have to be for the good of mankind. The breaking of these laws, therefore, is always detrimental to man, and society, and so is always a sin, immoral, regardless of legal.

* * * * *

CHAPTER FIFTEEN

Contraception

Contraception is a divisive issue, for,
those so willing to admit that "we are all sinners",
are mortally wounded when told that
anything they are doing is wrong.
But not to worry!
Wrong hurts and damages, and is
dearly paid for by the sinner in the damage
That is what wrong means and does, and,
in this sense, contraception is wrong, for,
it damages the love-life more
than the sinner knows, until
of course, it is too late.

153. ***What is contraception?***

Contraception is the use of chemical or mechanical agents to interfere with conception during or after sexual intercourse. Those so-called contraceptives which do not prevent conception but merely prevent the conceptus, or fertilized egg, from adhering to the wall of the uterus for gestaton, are not contraceptives but abortifacients, or abortion agents. They procure early miscarriage.

154. ***What does contraception represent?***

For the believer, contraception represents the mentality of those who under pressure of their own sexual desires, or the sexual desires of partners they would rather please than lose, have blocked out the demands of faith in God, who gave man the intelligence and willpower to control his sexuality and regulate his family naturally, lovingly. For

the unbeliever, contraception represents the mentality of those who have lost faith in man's ability or willingness to control himself, to love.

* * * * *

Even more, faith in God demands that people stop worshiping power, wealth and pleasure in order to start trusting in God for an infinity of unearthed treasures, to be shared in social justice, in loving service to neighbour. Contraceptives are indeed the tools of those who insist on eating, drinking and making merry, for today as for tomorrow, they could not care less for anyone else.

155. ***Is contraception wrong?***

It has to be wrong to interfere with the normal effect of any willfully chosen action. The whole design of the male-female genital systems is to produce sperm (seed) and ova (eggs), to be brought together through sexual intercourse to produce human life. Obviously then, sexual intercourse cannot be right between people who might, without contraceptives, bring a child into a situation lacking the two qualified married parents and the loving home which every child requires for its health, protection, guidance and development as a human being. The wrongness of contraception is even more obvious in the case of people having intercourse who are not only unmarried but have no intention whatever of being married. The contraceptives used are merely aids to mutual sexploitation. Contraceptives do not become a good thing because they are used to avoid the greater evil of irresponsible parenthood. They can only "seem" good in comparison to something worse. Worse can only be defined as the comparative degree of bad.

* * * * *

232. ***What is wrong with premarital sex?***

Uncontrolled premarital sexual desires generally lead to a marriage in which sex plays a far too dominant role. In the loving marriage, sex takes place when it is right and good for both people. Premarital sex takes place on emotional demand, or, whenever it suits one or both persons. Such sex develops an impatient selfindulgence detrimental to the direction of sex by love. A good marriage is rarely preceded by a bad relationship,—a relationship primarily sexual rather than personal. Those who have sex before marriage because they FEEL they have a right to it, being more pleasure than obligation-oriented, quickly learn how easily whimsy and desire take priority over duty and obligation in marriage. It takes a strong and very loving person to be faithful in the difficulties and trials of modern marriage, and in the face of threats to the security of that marriage by many other sexually attractive and available people.

The person who finds sex before marriage acceptable, will not, by the fact of marriage, find it unacceptable with others, after marriage. Those who make mistakes before marriage can change, and sometimes do. However, unless there is a change, the premarital infidelity to God will continue as marital infidelity. Few women who did not themselves have premarital sex, had reason to complain about the infidelity of their husbands. Many who had premarital sex to hold on to their fiances, learned sadly, that they could not hold on to them after marriage because they were not theirs before marriage. Among many others, they merely had been had by them.

* * * * *

Exhibit 14

Excerpts from J.C. Espinosa, M.D., *Birth Control: Why Are They Lying to Women?*

A Pro-Life Manual

This pro-life work has tried to apply something not found in most other works on birth control: wisdom and knowledge. The prevalent "how-to" approach forgets the transcendental dimension of man. In this work you will find the following: The anti-life content of the contraceptive philosphy. A presentation of methods of birth control and an extensive documentation of the many complications inherent to artificial contraception. A final documented proof of the abortifacient (abortion-inducing) capacity of the contraceptive pill and other hormonal methods of birth control. Next, there is a brief history of the progression of the anti-life philosophy—birth control to population control to abortion. The pro-life answer to the anti-people approach is given, with an introduction to Natural Family Planning. The last chapter sets everything in proper perspective. It stresses personal responsibility and shows the tremendous human development of which we are all capable through the practice of Poverty (respect for the ecology), Chastity (respectful love), and Obedience (to our incarnate nature).

* * * * *

The contraceptive philosophy shows a total lack of faith in God and man: man cannot take care of the problems that may arise from people, and God has created too many people.

* * * * *

These are not, properly speaking, either birth control or contraception methods, because neither conception nor birth is "prevented." They just do not occur. Natural methods rely on the natural rhythms of our natural

bodies. Women cannot become pregnant at all times, but only around the time of ovulation. The ovum lives for only 12 to 24 hours. This knowledge can be employed in order to space children and plan a family adequately. Nothing artificial is introduced, and that which God has placed naturally together in sexual intercourse (love and procreation) is not separated.

* * * * *

We are the apple of the eye of the Father. The capability of our bodies to procreate is the highest physical gift that we possess. We can contribute to making something out of nothing. Out of almost nothing: two little and incomplete cells (sperm and ovum). Where there was nobody, there is now somebody (you, I, the rest of humanity). The sperm and the ovum die naturally if conception does not take place.

To build a home we have to buy materials; to make the greatest of physical creations, married (or unmarried) love suffices. Let us cherish and respect that greatest of gifts.

If we throw away or misuse the gifts with which our Creator has blessed us, we are truly insulting Him. We should use our gifts wisely, as our nature and our minds tell us to. We have a certain number of talents, and some life in which to develop them. As the true saying goes: what you are is God's gift to you; what you make of yourself is your gift to God. We are given the raw materials and the gifts to develop them. Let us not bury our talents but develop them for our benefits, for the benefit of others and for the glory of God. "For the glory of God is a living man" (Irenaeus).[4]

* * * * *

It is not right to pit woman against man to see who can develop more or further. The goal should be for both man and woman as *one* to grab each other's hand and *advance*

HUMANITY together toward sure final fulfillment. People are the flowers of God's garden. Like flowers, we come in all shapes, colors and fragrances. Our mission is to tend and improve the garden, not to choose which is the fairest of them all, which should remain subdued, or which ones should be exterminated. As long as you talk of women's rights or men's rights or any other particular group's right, you are creating categories that war against the harmony which the survival of the human race requires.

* * * * *

Most times the jolt into awareness is gradual. Mahatma Gandhi, the prophet of nonviolence, said that *Truth is God*. God went to Jeremiah not in the storm, or in the lightning, or in the thunder, but in a gentle breeze. The manifestation of God, of Truth, for us will also be more like that gentle breeze. Therefore we must be attentive! All truths are partial finite revelations of the Ultimate Infinite Truth. The progression toward that Ultimate Truth is the very meaning of life. The realization of the goodness of human life, of our inescapable duty to protect it, is a fundamental step along the ladder we must ascend. There is a quick easy elevator going in the opposite direction and the anti-lifers have chosen the route that through lies leads to death. The gentleness with which we should approach human life has transcendental roots: "To me you shall be sacred; for I the Lord am sacred." (Lev. 20:26). To work in the pro-life movement you should, in a way, "Take off your shoes, because the ground on which you are walking is holy." (Ex. 3:5) Awareness includes the perception that there are ideas which seem at first sight to pose no threat, which later become the most destructive and anti-life. Witness the judicial development of the "right to privacy." In 1965 in Griswold it meant contraception in order to attain less children. Then in 1973 in the abortion decisions it meant the massive killing of the innocent. In 1976 the

"right to privacy" was also used in the Quinlan case in New Jersey to force physicians to disconnect a respirator and thereby cause Karen's death. The fact that she still lives shows that man does not live by respirators alone, "but by every word that comes from the mouth of God." In this case she lives like all of us: by the mercy of God.

* * * * *

Exhibit 15

Excerpts from D. Knight, *The Good News About Sex*

Nihil Obstat:
Rev. Hilarion Kistner, O.F.M.
Rev. John J. Jennings

Imprimi Potest:
Rev. Andrew Fox, O.F.M.
Provincial

Imprimatur:
+ Daniel E. Pilarczyk, V.G.
Archdiocese of Cincinnati
July 12, 1979

The *Nihil Obstat* and *Imprimatur* are a declaration that a book or pamphlet is considered to be free from doctrinal or moral error. It is not implied that those who have granted the *Nihil Obstat* and *Imprimatur* agree with the contents, opinions or statements expressed.

* * * * *

7.

Being A Word Made Flesh

Expressing our relationship with Christ

Jesus is the answer to the *why* of human living.

Why did God make us? For relationship with himself.

Why do we exist? Why are we alive? To enter into relationship with Jesus Christ, and through him into relationship with God.

If we become disciples of Jesus, we are recognizing the basic *why* of our existence. But where do we go from there? Where does discipleship lead us?

We are called, as disciples of Jesus, not just to learn from him, but to express what we learn. Those who come to Jesus as disciples he sends out again as witnesses and apostles.

There are no simple "followers" of Jesus. Everyone who follows him must learn to *lead.*

Through his teaching and example Jesus offered new options to mankind, options that transform entirely one's way of relating to other people, to work, to family, to life and to death:

* * * * *

The challenge of living as the body of Christ in everything we do can be enormous. It can seem overwhelming at times. Yet this is the *why*—and the glory—of our existence.

Part II:
The Good News About Sex

The good news about people is that we are called to the fullness of life. We are called to this through relationship with Jesus Christ. We are called to live simultaneously on four levels: the physical, the cultural, the personal and the transcendent, which means "spiritual" or "graced."

The good news about sex is that it has meaning and values on all four of these levels:

- As a physical reality, sex is delightful, life-giving and human.
- As a cultural reality, sex is enriching and challenging.
- As a personal reality, sex creates us as loving persons; it brings our love to life and makes us one with each other.
- As a graced reality, sex is God expressing himself through us.

In the chapters which follow, we will explore the meaning and value of sex on each of these levels. We begin with the physical reality of sexual intercourse as an expression of our humanity.

* * * * *

The reason why human beings, like other mammals, come in two varieties—male and female—is in order to reproduce.

Some people would take issue with the words, "in order to." "Human beings are not male and female," they would argue, "*in order to* reproduce. They just happen to be male and female; and as a consequence they *can* reproduce."

To say this is to reject—on the level of sexuality, at least—one of the basic arguments for the existence of God: the argument from design.

* * * * *

Exhibit 16

Used in Center for Life Adolescent Program

THE RAINBOW PROGRAM

INTRODUCTION

Since the spring of 1980, the Center for Life of Providence Hospital in Washington, D.C., has been providing a unique outreach program in adolescent fertility awareness for teenagers and parents of teenagers in the nation's capital.

Now this highly successful curriculum is being made available as the RAINBOW Program to groups across the country who want to help adolescents better understand the beauty and power of their procreative potential and who want to help improve communication about sexuality between teenagers and their parents.

Working in schools, church groups, and youth centers, the RAINBOW Program teaches teenagers about the power and responsibility of the body's life-giving potential through a sensitive presentation on the physiology and natural cycle of human fertility. Through a lecture format, with frequent pauses for questions, the instructor presents the miracle drama of fertility with the help of a few carefully chosen slides.

By acquainting young people with the marvelous signs of fertility alive in their own bodies, the RAINBOW Program provides not only a more Christian, pro-life education in sexuality than that available in the public sector, but also fosters in teens a sense of wonder and respect for their bodies that connects sexuality to the transmission of life and places them both solidly within the context of committed marital relationships.

* * * * *

The formulators of the RAINBOW Program firmly believe with Pope John Paul II that ". . . the delicate responsibility for sex education belongs principally to families, where an atmosphere of loving reverence will be conducive to a fully human Christian understanding of life and love." (L'Osservatore Romano, English ed, 2 March 1981, p. 5).

* * * * *

Exhibit 18

The Rainbow Program Curriculum: Adolescent Component" Used in St. Ann's Program

* * * * *

Your fertility is a marvelous gift. Rejoice in and protect it. Come to know yourself as a beautiful, sexual being so that you can use your power to love in the most positive, wonderful ways.

Suppose Ginny and Tom had known these things clearly: if each had thought about self as a unique gift, as someone with a future to prepare, a future as a husband or wife, as an educated and knowledgeable person; if they had recognized the tremendous power of giving new life they were playing with and the responsibility they had towards each other to protect the other and help the other to become a better person through their friendship.

Suppose how different it could have been if they had really thought about the other as a special creation of God with the life of Christ in him or her; as someone's future spouse, a future parent; someone to care for, to cherish and protect.

* * * * *

The Church has always taught that the marriage act, or intercourse, seals the union of husband and wife, (and is a representation of their union on all levels.) Christ commits Himself to us when we come to ask for the sacrament of marriage. We ask Him to be active in our life. God is love. We ask Him to share His love in ours, and God procreates with us, He enters into our physical union with Him, and we begin new life.

* * * * *

Exhibit 25

Comments of Participant in St. Ann's Program

Anatomy and fertility awareness lecture: Very good. Everyone learned or relearned something. Definitely sparked interest in natural family planning when lecture on problems with other methods of birth control was presented.

Birth control methods: Very good lecture. Didn't really explore the advantages of one type over another, but it did let the problems of each method be known, literature given out was very good. I noticed many girls reading the literature.

Levels of Intimacy: As far as I know, every girl thought this lecture was boring and a complete waste of time. These girls barely know how to establish and maintain casual but honest friendships, much less how to work on a relationship through the nine levels of intimacy. Perhaps the time would be better spent on how to better develop interpersonal relationships. Many people also thought the time spent on the importance of "leave, cleave, and become one flesh" was meant to be a "preached sermon." These girls are especially (perhaps overly) sensitive to being preached at. Since it evident that we all participated in premarital sex, and since some girls plan to keep their babies whether they have the father's support or not, it is kind of late to speak about the importance of marriage before having children.

Exhibit 26

St. Ann's Adolescent Family Life Project

Initial Progress Report
June 15, 1983

I. *Narrative*

1. *Achievement of program objectives to date:*
The overall goals of the family life component are being met, although we are having difficulty in meeting some specific objectives. In the fertility awareness component presentations to parents have been made but with very small attendance. The contraception component did not have adequate class time to achieve all objectives because of scheduling problems at St. Ann's. Class time geared to the original specifications for all modules are now being planned for summer and fall sessions. Only 2 or 3 girls out of a class of 25 opted for the NFP component and follow-up on these few is proving difficult due to their somewhat transient situation. It may be better to target girls for NFP who are participating in the resident aftercare program. The Intimacy Module is meeting all objectives in that values are being presented. There is some concern, however, that many girls see no need to examine their relationships and/or see no areas of their lives in which "healing" is needed.

2. *Changes in implementation:*
   a.) The Intimacy module is now being given before contraception.
   b.) There are now fewer presentations in the Contraception section and more presentations in the Intimacy section
   c.) The amount of time available per class in the first cycles was only about ½ the amount specified in the proposal. This has been corrected by St. Ann's staff for future cycles.

3. *Progress to date in service delivery:*
See statistical information

4. *Status of innovative features:*
The major innovative feature of the Family Life Education component is the attempt to develop responsible attitudes and behavior with regard to sexuality. As this goal is addressed, issues surrounding self-image, friendship, intimacy, commitment, marriage and sexual expression are explored, among others. Helping these young women better understand the unique worth of each individual may impact on other areas of their behavior as well and may be a slight factor in preventing child abuse and neglect. Involvement of the family is encouraged, although parental attendance has been low. The putative father's involvement is also encouraged, especially in the modules on intimacy and natural family planning. Follow-up for Natural Family Planning is proving to be difficult, although adjustments are being made to assure continuity of care.

5. *Problem Areas:*
   a.) Time problem with short class sessions – resolved
   b.) Limited, if non-existant capacity to follow girls after delivery. No apparent support structure for girls who make a decision to avoid pre-marital sex in the future.

6. *Significant accomplishments:*
   a.) A few girls have expressed to the teacher their resolution to avoid intercourse in the future until marriage.
   b.) Some girls have admitted to St. Ann's staff that they have learned things about their sexuality that they had not known before, though they thought that they knew every thing there was to know.

c.) Some girls have stated that as a result of the class they better understand the importance of the unity of the life – giving and love – giving aspects of genital intercourse.

7. *Unanticipated outcomes:*
None.

8. *Philosophical base which shapes our model for service delivery:*

Our philosophical orientation is that sexuality as a God-given gift to be used with reverence, respect, and restraint not as a right which may be exercised whenever and however it can give pleasure. This is a viewpoint which is not widely shared in our culture even among among adults who are actively affiliated with their church. It is a view of sexuality which is even less widely shared by modern teenagers who have grown up on a diet laden with sophisticated material diversions, utilitarian approaches to goods and services, and near – instant gratification for almost every need. Within such a context the use of sex for fun is eminently logical. On the other hand, the central message of our program, that genital expression of intimacy is appropriate only within the context of a marital relationship and that intercourse should be postponed until marriage, often appears as a senseless, even cruel attempt by "authority" to deny teenagers a "good" which is their's *by right*.

For the girls involved in the St. Ann's project their sexual activity, however fleeting, however loving or unloving, has resulted in conception – to some girls a stroke of bad luck, to others a punishment, to others the fulfullment of their plan to rebel or to finally have someone to love. Most of the St. Ann's adolescent family life project aims at helping the girls to take the practical steps necessary to deal with their new situation, upholding their dignity and that of the

new human life they are bringing into the world, a dignity given by God and not by the circumstances of conception. The heart of the Center for Life contribution is helping the girls to re-examine their *inner* life, their image of themselves and the ways in which they have chosen to express themselves through their sexuality. Realistically, this goal is a very ambitious one given the limited time available. At worst we may be able only to present some new information in a way that says we care about each girl as a unique gift of God in herself. At best we may strike the spark for a change of heart within some girls who may begin to see chastity less as a way of self-denial and more as a way of real love, less as a source of embarassment and more as a badge of honor.

9. *Budgetary impact of experience to date:*
Because the number of program participants are lower than was expected, expenditures will probably be less than anticipated in the budget for the project period.

10. *Additional Comments:*
How is the work that we are doing in this project different because we believe in Jesus Christ?

Exhibit 27

1983 YEAR-END REPORT
January 4, 1984

Natural Family Planning

Great strides were made in the NFP program to improve the quality of instruction. Using materials from the St. John's (Milwaukee, Oregon) NFP program as a base, class content and instructional materials were updated and expanded. Although there are still improvements to be made in the client manual and the visual aids, classes have been revamped to include advancements in NFP research over the last several years.

* * * * *

Instructor knowledge was enhanced by monthly inservice meetings and participation in the Pittsburgh conference and the Diocesan Directors' meeting. In addition, teachers were provided with in-depth information on new NFP material, management of the breastfeeding client, and the biophysical properties of cervico-vaginal mucus. An intensive instructor training program was initiated in September through which four instructor-trainees have completed their didactic training (Phase I). This training allowed our other instructors to participate in three special sessions co-sponsored by the Archdiocese of Washington NFP and St. Agnes NFP: Moral and Ethical Issues in NFP, Public Speaking, and When to Refer to a Physician.

Deposition Excerpts of
Mercedes Wilson,
Executive Director,
Family of the Americas Foundation

[Direct Examination by Mr. Sims:]

[14] Q The second page says The Christian Alternative, Billings Ovulation Methods. What does that mean?

A It was a program that we used in Christian schools.

Q How is the Billings Method a Christian alternative? Will you elaborate on that?

A I don't know that I could elaborate on it. It's just what it says, an alternative to artificial methods.

Q What is Christian about that?

A Well, that most Christians would prefer a natural method, or if they are not aware, they would be interested because most Christians defend the natural laws or protect natural laws.

Q Turning back to the project summary, did the Families of the Americas – for how long has the Families of the Americas Foundation had programs for [15] adolescents and families?

A We really have all – we have been teaching in the schools for many years. I can't recollect the exact number of years. It could be eight, nine, six. I am not sure.

Q Here in Louisiana, which schools have you been teaching in?

A Mainly in my local school in Covington.

Q Is that a public school or private school?

A Private school.

Q What is the name of the academy?

A St. Scholastica Academy.

Q Is that a parochial school?

A Yes.

Q Have you taught in any public schools in Louisiana?

A Not myself because the law of Louisiana doesn't allow it, but we have been invited.

Q You have been invited?
A Yes.
Q People who work with your organization?
[16] A No, we have been invited by some of the students or parents, but the law does not allow sex education in schools, but in private schools, you are allowed.
Q Aside from doing some teaching in the private schools, what other activities have you undertaken in Louisiana for adolescents?
A Well, whenever I get invited to universities, private or public, I have given lectures, yes, in the biology classes.
Q Was there a point at which you decided to expand the services which the Families of the Americas Foundation provided for adolescents?
A We have always been trying to expand and when Senator Denton's bill appeared, we decided to request for a grant.
Q So that the grant you requested is part of your effort, continuing effort to expand your program for adolescents?
A That's correct.
Q Are you aware that the Act encourages the involvement of religious organizations in pursuing the goals that the [17] Act sets forth?
MR. WILSON:
You are not asking from a legal point of view, just her appreciation?
MR. SIMS:
Right.
THE WITNESS:
Actually, I wasn't aware until I read it, your complaint. I thought it was for anybody, religious or nonreligious that could apply.
Q I didn't mean to imply that it wasn't only for religious people. But you were not aware of that until you read the complaint?

A No, because we are not a religious organization.
Q I understand. Do you intend to involve religious organizations in the delivery of the services under the grant?
A We intend to include anyone who is interested from the community of every town, city, whatever.
Q I direct your attention to page thirty-one.
[18] A Of which one?
Q I'm sorry, of the project summary, which is a list of the topics to be included in the program content of the Fertilities Appreciation for Families project. Would you explain the use of the phrase pollution of nature? What does that mean?
A Well, that we teach young adults just like it is so popular that nature should not be polluted, we teach them that their bodies should also not be polluted with chemicals or foreign objects. That, of course, includes drugs, alcohol, contraceptives, just everything that is on that list.
Q Is it your opinion that any foreign object, condoms, for example, pollute nature?
A Pollute the–
MR. WISE:
Is that her personal opinion or–
BY MR. SIMS:
Q Is it the point of view of the Families of the Americas Foundation? Well, excuse, me, is it the point of view of the [19] curriculum which you are undertaking to prepare under this grant that the use of artificial methods of birth control, such as condoms or diaphragms, are pollution of nature?
A No, really a pollution of their own bodies.
Q Of their own bodies?
A Yes.
Q Is it the point of view of the curriculum that sex outside of marriage is impermissible?

A It is harmful to their bodies.

MR. WISE:

Are you speaking about the grant or about—

MR. SIMS:

I'm speaking of the point of view of grant. They have a grant, it's undertaking activities, and I'm saying if there is a point of view behind the grant as it will be implemented in the real world.

BY MR. SIMS:

Q Is that true just of adolescents or just—

[20] A Could you repeat the question again?

Q Sure. Will the curriculum under the grant take a point of view with regard to sex outside of marriage?

A The grant very clearly defines that one of its purposes is preventive to teach parents to be the prime educators of their children, as it is their right, and to teach adolescents also the preventive measures of responsibility, discipline and the advantages of chastity before marriage, and that means the advantages that they have if they do not have premarital sex.

Q Does the curriculum take a position with regard to abortion?

A The curriculum will explain the disadvantages, the physical, social, psychological consequences of abortion.

Q All of which in the curriculum's point of view are disadvantages?

A It will give the true facts of abortion, the consequences, yes.

Q And in your judgment, those true facts are all negative?

[21] A Yes.

* * * * *

[38] Q On what is really the third page of this leaflet, although it is on the right-hand side of the second page that we have, there is a statement that says the [39] ovulation method fosters family life because it facilitates the evangelization of homes. Would you explain that, please?

A Which page is it?

Q Right over here. What does that mean?

A I guess bring the approach of the respect of the natural laws in the home.

Q On the second page, the ovulation method is for spouses who are striving—number six—to support other couples who are striving to proclaim God's kingdom.

A Other couples who are trying to, again, respect the natural laws which, in itself, would proclaim God's kingdom because God made the natural laws.

Q Looking on the right on page three again it says the ovulation method fosters family life because it helps realize the family is an integral part of the church. Which Church is that referring to?

A I already said the Catholic church.

Q In what way is the family an integral part of the church?

[40] A Because without families, there is no church.

Q I show you an article which appeared in the Wanderer and ask you if you are familiar with it?

Mark this an exhibit.

A Yes.

(Whereupon, the above-mentioned exhibit was marked for Identification.)

Q I take it it is a reflection of an interview you gave to a reporter for the Wanderer?

A Uh-huh, over the phone.

Q Do you know whether it accurately reflects what you told him during the interview?

A From what I can remember, I—

Q Her, excuse me, the reporter is Peggy Mullin.

A From what I remember, it seems accurate.

Q When was the interview conducted?

A It says—

Q It was published in August, around that period?

[41] A Probably a few weeks before, I don't remember.

Q Last summer sometime?

A Yes.

Q Does the Families of the Americas Foundation do any lobbying?

A In which regard?

Q Do you contact Senators or Congressmen concerning any political issues?

MR. WILSON:

Let me be sure I understand the question. I'm not sure that contacting political personalities is the same as lobbying. Can you clarify that?

BY MR. SIMS:

Q Does the Families of the Americas Foundation have discussions with Senators or Congressmen in Washington in an attempt to influence governmental policy?

A Yes, I have contacted them.

Q Has the Foundation attempted to have the Congress cut financial aid off to certain kinds of family planning?

A Has the Foundation what?

Q Attempted to get Congress to cut [42] off financial aid to certain methods of family planning?

A Would you rephrase the question?

Q Yes, has the Foundation attempted to persuade the Congress or the administration to cut off financial aid for certain methods of family planning?

A Our foundation has tried to obtain funds for natural family planning, if that answers your question.

Q The question is apart from seeking your own funds to use natural family planning, it's whether you have also urged the cutting off of other methods?

A We have urged them to discontinue the promotion of methods which are contrary to the culture and religion of other cultures and countries around the world.

Q The interview states we are hoping to persuade Washington that politically it is harmful to promote methods that are against a culture and a religion.

Who does that we refer to?

A Families of the Americas.

Exhibit 4

I – Why the Ovulation Method – Billings

The O.M. is. . .

1. . . . more than simply a method – it's a way of life
2. . . . more than a correct regulation of births -- it is a vision of the family
3. . . . more than the mere observance of the 6th commandment. –

It is respect for premarital and conjugal chastity

* * * * *

II – THE OVULATION METHOD IS FOR SPOUSES WHO ARE STRIVING

1) to deepen the mystery of their mutual love
2) to free themselves from the slavery of the senses
3) to transform their married life into testimony
4) to cultivate their matrimonial spirtuality
5) to make themselves better instruments in God's plan
6) to support other couples who are striving to proclaim God's kingdom

* * * * *

III – THE O.M. FOSTERS FAMILY LIFE BECAUSE:

1) it facilitates the evangelization of homes
2) it promotes an authentic liberation
3) it increases marital harmony
4) it develops dialogue within the family
5) it opens the home to others
6) it awakens generosity among the members of the household
7) it helps realize that the family is an integral part of the Church.
8) it makes the family sensitive to the interests of the nation.

9) it shows that both man's and the family's calling are directed to the same common good.

10) it is the triumph of paschal love.

Exhibit 5

THE WANDERER
Asks. . .

Mercedes Wilson, Family of
The Americas Foundation

About . . .

THE DANGERS OF CONTRACEPTION
OVERPOPULATION MYTHS
THE BILLINGS OVULATION METHOD
TEACHING NFP IN THE THIRD WORLD
PRESENTING CHURCH TEACHING TO ADOLESCENTS

By Peggy Moen

* * * * *

Q. You sent to us a students' evaluation sheet and some information from a program on sexuality that you had at a Catholic high school in your area. What are you doing to expand this program?

A. We are in the process of doing videotapes to be able to provide this information to the parishes. We understand that parish priests are anxious to have Christian sexuality education to train parents to teach their own children at the time their own children are ready to receive it, rather than just letting the education be given at random by a teacher whom the parent does not have any control over, of what their personal views are. We want to have something in line with the wishes of the Holy Father in *Familiaris Consortio*, where he wants us to inform the young people of the truth and to tell them the advantages of chastity and virginity. And this is what our program is all about.

The young people are the most receptive to the truth. The way we teach it is not only the moral advantages and the moral aspect of Christian sex education, but we convince them that from the logical aspect it is their responsibility to look after their own bodies, that they are responsible to themselves and to society at large for their actions, that their body is a temple of the Holy Spirit and this is why the Church is protecting them not only spiritually, but also physically.

Q. In your recent trip to Rome, what words of encouragement did the Pope have for you?

A. I report to the Pope regularly, two, three times a year personally and by correspondence, several times more than that. In this last trip I was there 10 days before he went to Poland, and I had the privilege of seeing him briefly and presenting him . . . a report of what we have been doing the last few months. . . . He thanked me, thanked our organization, really, for the work we're doing, and (told us) to please continue.

Exhibit 8

Billings Ovulation Method
308 South Tyler Street
Covington, Louisiana 70433
504/892-4046

ADOLESCENT SEXUALITY PROGRAM

INTRODUCTION

This course has been designed to introduce adolescents to the concept of responsible sexual behavior and how this affects their lives now and during marriage.

* * * * *

Session 3

Understand in detail how artificial methods of contraception, abortifacients, male and female sterilization, and venereal diseases affect not only the individual human body, but also society as a whole (medical references provided);

Be aware of the different techniques used in the deliberate termination of human life through abortion (films and slides shown):

Have dialogue with the teacher concerning this information

* * * * *

Exhibit 12

CHRISTIAN SEXUALITY PROGRAM

Mercedes Wilson

The Christian Sexuality Program was prepared out of a response to the growing awareness of a tremendous need in our society for family involvement in sex education. Because of this need, Family of the Americas Foundation organized a Parent and Adolescent Program whose goal is to develop and disseminate an educational program based upon the teachings of the Catholic Church for which there is such a need today. The two-fold purpose of this program is to:

1. Assist parents to become more effective in providing sex education to their children, and;
2. Teach adolescents about their fertility, the importance of protecting their capability for procreation and encouraging them to accept responsibility for their sexual behavior.

The belief underlying the Parent and Adolescent Program is that sexuality should be dealt with in the wider context of love and marriage and should emphasize the teachings of the Church concerning the virtue of chastity. Children need to be taught how to grow into responsible and caring husbands and wives, mothers and fathers, and not just how to be satisfactory sex partners.

* * * * *

Exhibit 15

NATURAL METHODS OF FAMILY PLANNING

METHOD – BREAST FEEDING

WHAT IS IT? – Nursing the newborn at the breast.

HOW DOES IT WORK? – Tends to delay the return of ovulation.

HOW IS IT USED? – In one of three ways: 1) On demand of the baby; 2) On fixed schedule; 3) Breast and bottle

BY WHOM? – MOTHER

PROBLEMS – Breat feeding does not prevent the return of ovulation.

SECONDARY EFFECTS – Beneficial physical and psychological effects on mother and child. Best natural formula.

ADVANTAGES – Physical contact gives security and confidence to mother and baby.

MORALITY – Perfectly natural and good.

RECOMMENDED – Certainly

COMMENTARIES – Does not always assure sufficient time between pregnancies. Fertility can return in first months.

METHOD – RHYTHM

WHAT IS IT? – An old method of determining probable fertile time in regular cycles.

HOW DOES IT WORK? – Calculates the average length of past six cycles to guess probable fertile time.

HOW IS IT USED? – The couple abstain from sexual relations during estimated fertile times

BY WHOM? – THE COUPLE

PROBLEMS – Requires regular cycles; not useful for nursing mothers or at time of menopause. 76% maximum effectiveness.

SECONDARY EFFECTS – Fortifies the marriage. Promotes dialogue and responsibility.

METHOD – RHYTHM – Cont.

ADVANTAGES – Free, does not require medicines, devices or surgical interventions.

MORALITY – Perfectly Moral; Permitted and approved

RECOMMENDED – Yes, but not very effective

COMMENTARIES – Notable advances since the thirties when this was first promoted. Called Ogino-Knaus.

METHOD – TEMPERATURE

WHAT IS IT? – A method ????????? indicates exactly that ovulation has occurred ???? ree days ago.

HOW DOES IT WORK? – Basal bo?????????? temperature rises after ovulation. Women ????? emp. daily to note that change.

HOW IS IT USED? – If the couple wishes to avoid a pregnancy, they abstain from relations until after temp. rise has occurred.

BY WHOM? – THE COUPLE

PROBLEMS – Does not ????? ate preovulatory time nor the onset of fertile ????. Requires a thermometer.

SECONDARY EFFECTS – Same as ????????? mentioned for Ovulation and Sympto-????? methods.

ADVANTAGES – Is quite ???? reliable method of determining that ovulation has occurred.

MORALITY – Acceptable

RECOMMENDED – Yes, but commmonly used.

COMMENTARIES – This method discovered in the forties has been surpassed by the OM and S.T. Methods.

METHOD – OVULATION METHOD (BILLINGS)

WHAT IS IT? – A natural method that indicates fertile and infertile time in every cycle.

HOW DOES IT WORK? – The couple determines the fertile and infertile time of each cycle by observing the presence or absence of cervical mucus secretions.

METHOD – OVULATION METHOD (BILLINGS) – Cont.

HOW IS IT USED? – The couple identifies the fertile and infertile time and regulates their intercourse accordingly.

BY WHOM? – THE COUPLE

PROBLEMS – Requires maturity and responsibility, accurate observations and abstinence to avoid conceptions.

SECONDARY EFFECTS – Increases the capacity of dialogue. Requires and develops those same qualities that are necessary for a successful marriage, honesty, understanding, generosity, maturity. Increases the frequency and the pleasure of intercourse, fortifies the marriage.

ADVANTAGES – Can be used equally to achieve or to postpone a pregnancy. It is reversible at any moment. Avoids the dangerous and unnecessary use of drugs and or devices harmful to the woman's health.

MORALITY – Natural and Very Good.

RECOMMENDED – Certainly

COMMENTARIES – Easiest and most effective of natural methods. 98.2% effective/WHO report. Widely used thru-out world.

METHOD – SYMPTO-THERMIC

WHAT IS IT? – A method that combines various parameters of fertility including temp., rhythm, mucus, and other signs.

HOW DOES IT WORK? – Woman monitors as many signs as she prefers and informs her husband. She observes the natural signs that God and nature have placed in the woman.

HOW IS IT USED? – The couple identifies fertile and infertile times and plans intercourse accordingly.

BY WHOM? – THE COUPLE

PROBLEMS – Requires careful observations and the cooperation of the spouse. Charting is indispensable.

METHOD – SYMPTO-THERMIC – Cont.

SECONDARY EFFECTS – Increases the capacity of dialogue. Requires and develops those same qualities that are necessary for a successful marriage, honesty, understanding, generosity, maturity. Increases the frequency and the pleasure of intercourse, fortifies the marriage.

ADVANTAGES – Can be used equally to achieve or to postpone a pregnancy. It is reversible at any moment. Avoids the dangerous and unnecessary use of drugs and or devices harmful to the woman's health.

MORALITY – Natural and Very Good.

RECOMMENDED – Certainly

COMMENTARIES – Very widely used in developed nations. Less practical in developing countries.

ARTIFICIAL METHOD OF FAMILY PLANNING

METHOD – DOUCHE

WHAT IS IT? – A liquid medicated solution.

HOW DOES IT WORK? – Washes sperm out of the vagina.

HOW IS IT USED? – Douche immediately after sexual relations.

BY WHOM? – WOMAN

PROBLEMS – Not very effective. Fertilization may have already occurred.

SECONDARY EFFECTS – Contributes to vaginal infections.

ADVANTAGES – Few, if any.

MORALITY – Intent is that act be not open to life.

RECOMMENDED – No, as contraceptive.

COMMENTARIES – Eventually fails for most women. Not recommended ordinarily for feminine hygiene.

METHOD – WITHDRAWAL

WHAT IS IT? – Act of withdrawal before semen is expelled.

HOW DOES IT WORK? – Interruption of sexual act before ejaculation

HOW IS IT USED? – Deposit the semen outside the woman's body

BY WHOM? – MAN

PROBLEMS – Difficult to achieve, requires control; only 60% effective

SECONDARY EFFECTS – Often causes psychological problems . . . frustration, anxiety

ADVANTAGES – Does not cost any money.

MORALITY – This is onanism condemned in Old Testament.

RECOMMENDED – NEVER

COMMENTARIES – Ancient and widely used method, but not very effective.

METHOD – DIAPHRAGM

WHAT IS IT? – A rubber or a plastic cover of cervical opening

HOW DOES IT WORK? – Impedes entrance of sperm into uterus

HOW IS IT USED? – Placed in the vagina before coitus; used with spermicides

BY WHOM? – WOMAN

PROBLEMS – Irritations, infections, inconvenient

SECONDARY EFFECTS – Sometimes allergies

ADVANTAGES – No medicines needed except spermicides.

MORALITY – Contraceptive, Act is closed to life.

RECOMMENDED – NEVER

COMMENTARIES – Promotes infidelity and promiscuity. Equals mutual masterbation.

METHOD – CONDOM

WHAT IS IT? – Sheath of rubber or plastic to cover penis.

HOW DOES IT WORK? – Prevents the deposit of sperm in the vagina.

HOW IS IT USED? – Placed over the penis before relations.

BY WHOM? – MAN

PROBLEMS – Messy; Breakable; Unnatural

SECONDARY EFFECTS – Irritations; expensive and not always available.

ADVANTAGES – Can help prevent some infections.

MORALITY – Contraceptive. Act not open to life.

RECOMMENDED – NEVER

COMMENTARIES – Same as for diaphragm.

METHOD – IUD

WHAT IS IT? – Plastic device of various shapes; has strings of nylon may have copper or chemicals added.

HOW DOES IT WORK? – Prevents implantation of the baby in the uterus.

HOW IS IT USED? – Intra-Uterine-Device placed by a professional.

BY WHOM? – WOMAN

PROBLEMS – Sometimes falls out, or perforates uterus and intestines; may cause hemorrhage, infections.

SECONDARY EFFECTS – Cramps, ectopic pregnancies; problems of fertility; possible sterility ? PID.

ADVANTAGES – The cheapest artifical method.

MORALITY – Clearly abortive and repeatedly abortive.

RECOMMENDED – NEVER

COMMENTARIES – Sexually active woman may abort as a minimum three babies every 2 years.

METHOD – TUBUAL LIGATION

WHAT IS IT? – Cutting, burning or somehow closing of fallopian tubes.

HOW DOES IT WORK? – Prevents the ascent of sperm and descent of egg (ovum)

HOW IS IT USED? – Submitting to a surgical procedure, which can always be a risk.

BY WHOM? – WOMAN

PROBLEMS – Permanent, in practice irreversible. Increases chances of hysterectomy.

SECONDARY EFFECTS – ????opic pregnancies. Psychological problems: frigidity, remorse.

ADVANTAGES – Quickly done, often subsidized by governments.

MORALITY – THE DIRECT MULTILATION OF A HEALTHY ORGAN IS NEVER PERMITTED. END DOES NOT JUSTIFY MEANS.

RECOMMENDED – NEVER

COMMENTARIES – Does not increase sexual pleasure of couple nor solve problems.

METHOD – OPERATIONS VASECTOMY

WHAT IS IT? – Cutting each vas deferens

HOW DOES IT WORK? – Sperm cannot leave man's body normally.

HOW IS IT USED? – Surgeon cuts tubes which carry sperm from testes.

BY WHOM? – MAN

PROBLEMS – Mainly psychological

SECONDARY EFFECTS – Practically irreversible. Some kidney & vascular problems.

ADVANTAGES – Simple. Effective.

MORALITY – THE DIRECT MUTILATION OF A HEALTHY ORGAN IS NEVER PERMITTED. END DOES NOT JUSTIFY MEANS.

RECOMMENDED – NEVER

COMMENTARIES – Goal of many international agencies . . . sterilize 25% of fertile couples.

METHOD – ABORTION

WHAT IS IT? – Expelling fetus, surgically or by chemicals.

HOW DOES IT WORK? – Destroys baby before it is viable outside the mother's body.

HOW IS IT USED? – Submitting to a procedure which causes death of baby.

BY WHOM? – WOMAN

PROBLEMS – Kills baby and sometimes the mother. Remorse.

SECONDARY EFFECTS – May cause infections, subsequent spontaneous abortions, etc.

ADVANTAGES – Used as back-up when contraceptives fail.

MORALITY – This is pure homicide.

RECOMMENDED – NEVER

COMMENTARIES – Even where legal, only. kills babies.

METHOD – "PILL"

WHAT IS IT? – A pill with artificial progesterone and estrogen

HOW DOES IT WORK? – Sometimes it is 1) Anovulatory, impedes ovulation and is sterilizing. 2) Makes certifical mucus more viscuous, and is contraceptive. 3) Impedes implantation in womb of newly conceived baby, and is thus abortive.

HOW IS IT USED? – The woman takes the pill every day according to instructions.

BY WHOM? – WOMAN

PROBLEMS – Many contra-indications. Makes 40% of healthy women ill, sometimes gravely

SECONDARY EFFECTS – Sometimes causes nausea, spotting, blood clots, increases changes of infertility and VD

ADVANTAGES – Puts all the burden and responsibility on the woman.

METHOD – "PILL" – Cont.

MORALITY – Sometimes sterilizing, sometimes contraceptive. Occasionally it may be abortive, and frequently makes healthy women sick.

RECOMMENDED – NEVER

COMMENTARIES – Prevents ovulation only about half of the time. This is due to the decreased dosage of the pill. Can cause problems of infertility or sterility, especially in the young women.

METHOD – INJECTIONS

WHAT IS IT? – A drug (Depo-provera) that acts like the pill, but is stronger and longer lasting

HOW DOES IT WORK? – Sometimes it is 1) Anovulatory, impedes ovulation and is sterilizing. 2) Makes certificial mucus more viscuous, and is contraceptive. 3) Impedes implantation in womb of newly conceived baby, and is thus abortive.

HOW IS IT USED? – The woman receives the injection every three months.

BY WHOM? – WOMAN

PROBLEMS – Very dangerous for sick or undernourished women; use is forbidden in many developed countries.

SECONDARY EFFECTS – Even more dangerous than the pill.

ADVANTAGES – Puts all the burden and responsibility on the woman.

MORALITY – Sometimes sterilizing, sometimes contraceptive. Occasionally it may be abortive, and frequently makes healthy women sick.

RECOMMENDED – NEVER

COMMENTARIES – Prevents ovulation only about half of the time. This is due to the decreased dosage of the pill. Can cause problems of infertility or sterility, especially in the young women.

METHOD—FOAMS, JELLIES, VAGINAL TABLETS

WHAT IS IT?—Usually contain chemicals which destroy sperm.

HOW DOES IT WORK?—Makes the vagina more acid than it should be, thus killing the sperm.

HOW IS IT USED?—Placed in the vagina before each act of intercourse.

BY WHOM?—WOMAN

PROBLEMS—Irritations, allergic reactions; alters pH of the vagina.

SECONDARY EFFECTS—The women is more prone to vaginal infections.

ADVANTAGES—Highly lubricative.

MORALITY—Contraceptive. Sexual act is not open to the possibility of life.

RECOMMENDED—NEVER

COMMENTARIES—Studies suggest these may cause birth defects.

Deposition Excerpts of
Nancy Bouchard-Finke,
Director, Family Life Services Department,
St. Margaret's Hospital for Women

[Direct Examination by Ms. Benshoof:]

[16] Q Is this the curriculum you said you saw for the first time in December 1983?

A That is correct.

Q Is this the curriculum used in public schools or parochial schools?

A Public schools.

Q When you sent this letter to HHS, were you aware that a different curriculum was used from parochial schools?

A Yes.

Q How come that letter, that curriculum was not also sent to HHS?

A Because it wasn't related to the Adolescent Family Life grant.

Q What do you mean, it wasn't related to it?

A The Adolescent Family Life grant curriculum outline that was outlined in the original grant application, this was the curriculum that was developed in response to that outline.

Q But, another curriculum was used when family life educators went to the parochial schools, is that correct?

A The same curriculum with added information, additional information.

Q Some of the people who taught that added curriculum or the parochial school curriculum were paid under Adolescent Family Life funds, is that correct?

[18] A Yes.

Q Since they were being paid under Adolescent Family Life Act funds and using a curriculum other than the one you sent to HHS, didn't you feel that HHS also had to see the curriculum developed, the second curriculum developed for parochial schools?

A I had shared with HHS that when I became aware that there were two curriculums, that there was another curriculum.

Q When did you become aware that there were two curriculums?

A In December of '83.

* * * * *

[23] Q You stated that you first became aware of the existence of two curriculums in December 1983; did you have any discussions with Mary Conroy about why there were two curriculums?

A Yes.

Q When did you first have a discussion with her?

A After the meeting, that I found out there were two curriculums, sometime in December.

Q Could you describe the substance of your conversation with her about this?

A Yes. I shared with her that I was surprised that there were two curriculums, that I was unaware that I—my understanding of what the outline in the grant was was the, you know, that she was, I knew she was working on the curriculum and was [24] surprised that there were two produced instead of one.

Q Did she tell you why two were produced?

A Yes.

Q What did she say?

A That back in, I can't remember the dates, but sometime in 1960 or early '70s, I guess when she started going out into the schools, she had started developing an outline, and so when she converted the outlines into curriculums, she created the one that she had traditionally used before the grant funding came along, and then also developed the one that the grant funded.

Q When you say she created the one she had traditionally used, do you mean the one containing religious teachings?

A Yes.

Q So, that was the one traditionally used in the Family Life Education program?

A Right, before there were grant funds, state or federal.

[27] Q Did you have any discussion with her as to whether she should continue using two different curriculums?

A No—after 1983?

Q Yes.

A I am trying to think; from December to March is sort of a blur. I think we talked about what went on in the, you know, when she taught the curriculum and she basically was teaching the curriculum, from my understanding she was teaching the curriculum that was in the grant application, and when questions came up in the Catholic schools that pertained to Catholic issues, she responded to those questions. That's my understanding of what went on.

Q But, the curriculum—by that word I am using, I mean the physical curriculum?

A Yes.

Q —used in the Catholic schools did contain those teachings?

[28] A Yes.

Q On the pages as an integral part of the curriculum, isn't that correct?

A That is correct.

Q In December 1983, did she state to you whether or not she was going to continue using that Catholic curriculum in the parochial schools?

A That statement was never made.

Q Did she make any statement as to whether or not they could continue teaching in the parochial schools without a Catholic school curriculum?

A Could you ask that question again, please?

MS. BENSHOOF: Read it back to her.

(The stenographer read back the pending question.)

A I don't recall that statement being made.

Q At this point, that is, December 1983, were you the person at St. Margaret's responsible for reporting to HHS?

A Yes.

Q Did you report to them the fact that there were two curriculums once you found that out?

A Yes.

Q Who did you report to?

[29] A Barbara Rosengard.

Q Did you call her specifically with this information?

A Yes.

Q Do you remember when you called her?

A No, some time probably, probably it was after the first of the year, in January or February.

Q What did you tell her?

A That I had learned that there were two curriculums, one that she had been sent and one that, another curriculum.

Q What did you say about this other curriculum when you called her?

A Just that it existed and that it had, it was different, that the difference between the one that I had sent her.

Q Did you tell her that these differences were religious differences?

A I didn't use the word religious, I just told her that they were some teachings on abortion and I don't even recall what the other difference is, but that was it.

Q When you say teachings, those are religious teachings, isn't that correct?

[30] A Well, just information on abortion.

Q Both curriculums have information on abortion?

A Right.

Q How did you characterize the differences when you talked to Barbara Rosengard?

A I said that they were the Catholic Church's teachings.

Q What did Barbara Rosengard say to you about this?

A She wanted to know how they were used and she was very concerned as I was.

Q When she asked you how they were used, what did you say?

A I explained to her that it was my understanding that when the program was out in public schools, that they did not teach the church's doctrine or, you know, they used the regular, the grant curriculum.

Q About what percent of the Family Life Education Program took place in public school

A I don't really know; a smaller percentage than in parochial schools.

Q Was Barbara Rosengard aware that that overwhelming number of schools in the program were parochial schools?

[31] A She was aware that there were more parochial schools, that they were in more parochial schools than public schools.

Q This letter identified as Exhibit 2 is dated January 11th, 1984. Did you speak to Barbara Rosengard before you sent this letter?

A I don't recall the time when I spoke to her.

Q This letter says that you enclose the curriculum, and this is the public school curriculum, isnt that correct?

A Yes.

Q Did you ever furnish HHS with a copy of the Catholic school curriculum?

A I did not.

Q Do you know whether or not one was furnished?

A It is my understanding that they do have a copy of it.

Q But, you are not personally aware of how they got a copy or when?

A No.

• • • • •

[38] Q Who are the people who administered the pregnancy test to adolescents who came into the Family Life Education Department, I mean, Family Life Department for pregnancy tests?

A The nurse, the adolescent nurse.

Q Who was that?

A Currently?

Q When you were there?

A There are two; Jane Stallard, and then when she left she was replaced by Nancy Elmeer.

Q Could you give their dates, approximately?

A Jane was there when I got there, I don't know when she came on, and she left in the summer, I would say June of '83, June or July of '83. And, Nancy Elmeer was hired after she left, so somewhere from July or August '83 to—she is still there.

[39] Q Did you hire Nancy Elmeer?

A Yes, I did.

Q When you hired her, did you describe what her job would be?

A Yes.

Q What did you tell her her job would be in relationship to discussing options with the patient once the pregnancy tests came back?

A That if the pregnancy tests came back negative, we would offer our services on fertility awareness and natural family planning if the girl wanted to enroll in the course and if it was positive we would tell her that these options that we had at St. Margaret's would, you know, the services, I should say, that we had at St. Margaret's which would be to the prenatal clinic, the alternative school, the residence, and if that was not what she chose to do, that, you know, that we didn't have any other services that she could avail herself of.

Q You stated that if the pregnancy test were negative, she would be offered natural family planning?

A Or fertility awareness, yes.

[40] Q What is fertility awareness?

A I think it is the same thing.

Q As natural family planning?

A I am not sure, but I think it is.

Q Why wouldn't you offer other methods of birth control?

A Because it is not allowed at the hospital.

Q Why isn't it allowed?

A Because it is in conflict with the teachings of the Catholic Church.

Q What if a girl wanted other methods, if she got a negative pregnancy test and she wanted another method of birth control, what would she be told?

A She would be told that we didn't have those services available, that we did have natural family planning if she would like that.

Q Would she be referred elsewhere for other methods?

A No.

Q Do you know how many teen-agers actually availed themselves of the natural family planning option?

A No, I really don't.

Q Are you familiar with the success rates of teen-agers using natural family planning as a birth control method?

[41] A No.

Q If the pregnancy test were positive?

A Yes.

Q What was the policy in your department of informing the girl of the option of abortion?

A We did not inform them of that, the girls obviously knew what their options were.

Q If they would ask for an abortion referral, what would you do?

A We would tell them that we were not allowed to make referrals.

Q Why?

A Because it was not in agreement with the teachings, with the hospital philosophy.

Q Which was what?

A Which was that we do not provide the service of abortion at the hospital or make referrals.

Q Because why?

A For two reasons; one, it was not in accordance with the teachings of the Catholic Church, and, two, it is against the grant.

Q When you hired the new nurse during your tenure as director –

A Nancy?

[42] Q –did you inform the nurse that this would be a restriction of –

A Yes.

Q –or whatever on her job?

A Yes.

Q What did she say to you?

A That she could live with that.

Q Did you interview any other people for the job who felt they could not live with that?

A Yes.

Q How many?

A I'd say we had seven candidates; maybe two.

Q What did they say to you?

A That they didn't want to work with that restriction.

Q Did they give a reason?

A Because it was against, they didn't believe in that restriction.

* * * * *

[54] Q You were aware, however from the list of schools given in the grant proposal, that the Family Life Education Programs were taking place in CCD classes, isn't that correct?

A It was my understanding that some of the classes were in CCD classes.

Q Do you know what CCD stands for?

A Not exactly. I know what it is, but –

[55] Q What is it?

A It is for the meetings of youth in the Catholic Church.

Q When you say the meetings, what sort of meetings, religious meetings?

A Yes, the instruction, I guess, in Catholic systems of life, family life issues.

Q Did it concern you that some of your programs took place in these religious instruction classes.

A No.

Deposition Excerpts of
Mary Conroy,
Director of Family Life Education,
St. Margaret's Hospital for Women

[Direct Examination by Ms. Benshoof:]

[90] Q Two curriculums were produced this morning entitled "Family Life Education Department, St. Margaret's Hospital for Women, Family Life—Human Sexuality, Curriculum for Grades K through 12" and "Family Life Education Department, St. Margaret's Hospital for Women, Curriculum, Grades K through 12, APH dash 000 dash 711 dash 01 dash 0."

Are these two curriculums the same?

(Witness examined documents).

A No. The curriculum itself is not the same. The context of the matter is the same. The difference is that this curriculum actually—

Q When you are discussing this curriculum [91] could you refer to the curriculum with the grant number or not the grant number?

A The curriculum without the grant number, this curriculum has actually or was actually started back in 1978 and has been changed, revised, updated and added to. It was started by myself as the Director of Family Life Education. I saw the need to both improve it, change it, revise it and also to lower the curriculum to Grade K.

Q Now you are referring to the curriculum without the grant number?

A Without the grant number.

Q So during the time period was that used as the curriculum?

A This has always been the curriculum from Grades 7 through 12. The additional component, being K through 6, was added since 1982.

Q So it is still in use during the two-week training session that you use for your health educators?

A Correct.

Q Could you now explain why the other curriculum—strike that.

Could you explain how the other [92] curriculum is different?

A The other curriculum is only different in that it does not present the philosophy of the church on certain issues. Every other bit of content is the same, the only thing being that there is no philosophy of the church.

Q What do you mean by "philosophy of the church"?

A The church's teaching on contraception and/or abortion.

* * * * *

[94] Q Are both these curriculums used in training your health educators?

A They are both the same curriculums.

Q You have stated that there is a certain difference between the two curriculums. One has [95] the church philosophy and abortion and contraception removed.

Which curriculum is used in training your health educators?

A I would say both curriculums.

Q Do you use both simultaneously? Do you use both simultaneously?

A Yes.

Q When a health educator comes into your training program are they given copies of each of the training programs?

A Yes.

Q What explanation do you give them as to why they are receiving two curriculums?

A I explain about the federal grant. I also explain that when we are in a public school setting we do not present the teachings of the church.

Q Mary, you stated that 12,400 students have received these courses. Over what time period are you talking about?

A A one-year period.

Q And what year period is that?

A If I am correct it's the fiscal year of [96] October 1 through September 30, 1982—October 1, 1982 through September—

Q —1, 1983?

A Right.

Q How many schools were these programs put on in?

A I can't give you the exact number offhand. It was approximately 80 to over a hundred schools.

Q How many of these schools were public schools and how many parochial schools?

A Approximately—I am not sure. I would have to really look at my records.

I would say we did about six public schools and the rest would be private or parochial schools or parishes.

Q When you say "or parishes" what do you mean?

A They don't all have a school. They may have religious ed classes or youth organizations and they would be considered. So we would be doing it for that agency or that group in that parish.

Q Right.

[97] When you put on a program in the parish what physical facility do you use?

A It can range anywhere from a classroom to a hall to rented space which the parish would have available to them or donated space.

Q When you talk about a classroom or a hall, a classroom or a hall in the church?

A It could be in the church or the parish or the agency.

Q Have some of these been put on physically in the church and parishes?

A Yes.

* * * * *

[108] Q When these classes are taught in the parochial schools and when they are taught in the primary grades

does the regular teacher stay in the class along with the health educator from your program?

A No. The only grade we allow a teacher present is in kindergarten or first grade and that's only usually early in the school year when the children really have some anxious moments about a stranger coming in.

Q So that for the grades above 7-years old the health educator is the only teacher in the classroom?

A Correct.

Q Are there any other adults in the classroom?

A No.

Q And these are the regular parochial school classrooms; is that correct?

A Correct.

Q This is the same room that their other courses generally take place in?

A Correct.

* * * * *

[120] Q Mary, without the writing on it just explain to me what you meant by Box A under Roman numeral III.

A. I think I already have.

MR. ROGERS: Go ahead.

A I will explain it again.

When I talk about respect for the body I talk about the care, the respect that they need in caring for themselves, teaching them about their own body at a Grade 1 level.

Q Why is the word "God" there?

A Why is the word "God" there? I think of God as creating all.

Q Is this same outline used as an outline curriculum for all parochial schools?

A Yes.

Q Is a different outline used in public schools?

A "God" would be omitted from the curriculum.

Q In the public schools?

[121] A In the public schools.

Q Who fills these out?
A The teachers giving the presentations.
Q You mean the health educators?
A The health educators.
Q Employed by you?
A Right.
Q Who reads these forms?
A What do you mean?
MR. ROGERS: After they are completed?
MS. BENSHOOF: After they are completed.
A I do.
Q Why?
A As a supervisor and as the department head.

• • • • •

[123] Q Have you ever taught using this outline?
A Yes.
Q When you taught using this outline what did you teach under Roman numeral III, Grade 7?
A Roman numeral III?
Q II D. Wait now. Grade 7, Roman numeral II, Subsection D.
A For Grade 7 in a parochial Catholic school setting I would tell them that we get our values from our Christian beliefs and from our parents. We do not teach values. They learn their values through their parenting or through their parents.
Q So you taught the Christian values came solely from their parents?
A And their schooling, their religious education if they have it.
Q It states here "Seeking Christian [124] values and goals." Could you explain a little further what you meant by "Seeking Christian values and goals"?
A What I mean by "Seeking Christian values and goals" is they should communicate with their parents:

what are their goals; what are their beliefs; what are their parents' values.
Q So that you are presenting as a positive promotion to the seventh graders that they should seek Christian values and goals from their parents?
A Exactly.

• • • • •

[168] Q Why in the curriculum explaining abortion are no positive psychological effects [169] listed?
A I guess it's because I do not feel there are any positive psychological effects for abortion.
Q What is the basis for your opinion?
A Personal.
Q So you did not review any particular psychological studies in writing that section?
A Over the years I have read many sections. I have never been led to change my views because of studies that have been done.
Q You also stated on the third page of the abortion section, "Are there any absolute indications for performing an abortion?" Then you state, "Medical—No."
Are you aware that particularly for teenagers abortion may be more medically safe than continued pregnancy and childbearing?
A I would have to have that documented and I would have to study the reports on that, the studies.

• • • • •

[176] Q I would like to read you another statement: Quote, "In fact women with psychiatric problems are more likely to suffer from an abortion than benefit from it. Also no severe psychiatric consequences from carrying a pregnancy to term due to rape."
Where did you get the basis for those two statements?
A I will get that for you. I don't have it.
MR. ROGERS: If you have it.

A I have it back in the office. I can document that those have been studied.

Q Do you know the names of the studies, the articles, the books, the authorities?

A No, I don't know it. I will get it. I do not have it.

• • • • •

[179] Q Is the abortion section in the parochial school curriculum different from this abortion section in the public school curriculum?

A It's the same content with the additional component or additional statement that the church, the Catholic church, does not approve of abortion in the teaching of the Catholic church.

Q Do you, yourself, and your health educators explain why?

MR. ROGERS: Why what?

MS. BENSHOOF: Why the Catholic church does not believe in abortion.

A In the Catholic school system we would, yes.

Q What do you say?

A The teaching of the church. We will tell them the teaching of the church and we—

Q What is that?

A That they do not approve of abortion.

Q Why?

A They consider you are taking a life. We also see life beginning at conception.

[Cross Examination by Mr. Hirt:]

• • • • •

[187] Q Okay. I think it was your testimony that if it's to be given in a parochial school, for instance, you would tell them there would be the segment on abortion, the church's teaching on abortion; is that correct?

A Correct. If we are going to be presenting the high school curriculum, yes.

EXHIBIT 6

St. Margaret's Curriculum

E. Seeking Christian Values and Goals

Adolescents ask why do they have sexual urges/desires for the opposite sex as they begin to mature. This is normal part of adolescence for both girls and boys. This is the plan of nature for the continuation of life. There is nothing wrong with feelings, but it is what one does with them that counts. You don't act on all the emotions/feelings you have. For example you may know how to drive a car, see a nice Trans Am that you like very much, but if you steal it you realize that you have to accept the responsibility for that act.

Your body is physically maturing, but now is not the time to use that gift of fertility, as emotionally and intellectually you still have a lot of growing to do. Adolescence is a time of awakening, learning to respect the fertility of both man and woman, and that each deserves a certain dignity. It is a long period of time to learn about controlling feelings.

You receive many messsages from your family, friends, peers, society, and the media which influence your ideas and values about sexuality. It is important to seek factual, honest, and helpful information about sexuality that goes along with your values and that will help you develop into a mature, loving, Christian man/woman, with the ability to care for yourself as well as others.

We have been talking about you, the person, as being much more than just the outside, physical layer that we all can see. Who is the mirror that tells you what you are really like? That's right—your friends! They can tell what you are feeling simply by the way you act or react. Many times

people try to be like their friends and do not always appreciate how special and unique they are themselves. Can anyone tell me what unique means? (Write UNIQUE on the board and elicit response from the students: one-of-a-kind, original, special, etc.

When you were a small child, perhaps the first day you went to Kindergarten, you brought home a drawing for your parents. They were so proud and made you feel very special. They may have even placed it on the refrigerator door for everyone to see. As you got a little older perhaps you joined a baseball team and when you hit the ball for the first time everyone praised you and told you that you would be the greatest baseball player.

Sometimes, as you reach adolescence, you may wonder – What is so special about me? What talents do I have? You may think more about the things you can't do rather than learn to appreciate the abilities that you possess.

We will now do an activity in which we will can on each student, in turn, to finish the following statement: I AM UNIQUE BECAUSE I CAN . . .

Activity: Teacher will write statement on board and list the students' responses.

Discusssion with group to help student develop an awareness that he/she is unique and possesses talents and dreams of his/her own. You do not have to be like everyone else.

Was this a difficult activity for some of you? Why? (Response from students may include: "I couldn't think of anything; I felt like I was bragging; maybe other people will think I am different.") Sometimes it is hard for us to express how we feel about ourselves. Notice that when you couldn't think of anything to say, your classmates had noticed positive qualities about you.

This is the time of your life to stop and think about yourself and appreciate the fact that there is no one just like you; no one that possesses the same talents and abilities

in the same way that you do. Some of you may be great athletes or students, while others may possess different qualities. Each one of us has a mark on his/her body which is a sign of their uniqueness. Can you think what it is? That's right – your fingerprints? Sometimes when you wonder about just how special you are – take a look at your hand and realize that there never was, or ever will be someone just like you!

As you mature, learn to appreciate and develop the talents and abilities that you have.

F. Love

Understanding love can be as complicated as traveling to the moon. The fact that man has already explored the moon may make that an easier task than to come up with a definition of love. Poetry, songs, literature, and films have tried to describe love in an endless variety of ways. Generally it is described as being a sudden, thrilling thing that hits you between the eyes, or on the head. Often teenagers, and even preteenagers, tend to be "in love with love". But any serious discussion about love leads to the conclusion that there are many kinds:

1) Conditional Love

It is important to love. You must love yourself before you can learn to love another. You can only give away what you have. What are some ways people "use" friendships? (Elicit response from group.) Examples: You received a video game for Christmas and all of your "friends" want to come over; you have a pool and during the summer certain "friends" drop by; your brother got his driver's license and has instant "friends"; you are being the person that someone wants you to be, not your own self. These are all examples of conditional love – love with strings attached. How you learn love, then, will be determined by the culture in which you grow.

2) Unconditional Love

In order to love you have to know the total person of the other. Growing into love is a gradual process that demands trust and honor. Unconditional love is other centered—wishing only what is best for the other person. Loving that person with his/her faults as well as their good points. What would be an example of this type of love? That's right—parental love. They love the child for simply being who he is. Where do we learn about love? If you want to learn to love, then you must start the process of finding out what it is, what qualities make up a loving person, and how these are developed. Each person has the potential for love. Love is learned best in wonder, in joy, in peace, in living. One grows in love. The more he learns, the more his opportunities to change his behavioral responses, and thus, expand his ability to love.

3) Christian Love

"The Church, a prophetic, priestly and kingly people, is endowed with the mission of bringing all human beings to accept the word of God in faith, to celebrate and profess it in the sacraments and in prayer, and to give expression to it in the concrete realities of life in accordance with the gift and new commandment of love.

The law of Christian life is to be found not in a written code, but in the personal action of the Holy Spirit who inspires and guides the Christian. It is the 'law of the Spirit of life in Christ Jesus: God's love has been poured into our hearts through the Holy Spirit who has been given to us.'

Inspired and sustained by the new commandment of love, the Christian family welcomes, respects and serves every human being, considering each one in his or her dignity as a person and as a child of God.

Love, too, goes beyond our brothers and sisters of the same faith since 'everybody is my brother or sister'. In each individual, especially in the poor, the weak, and those who suffer or are unjustly treated, love knows how to discover the face of Christ, and discover a fellow human being to be loved and served." (Pope John Paul II, "The Role of the Christian Family in the Modern World", pp. 92-94.)

Take the time now to appreciate that you are a person of worth, with certain values, possessing abilities and talents that will enable you to care and share your love with others.

(Boys and Girls Separate)

III. HUMAN GROWTH AND DEVELOPMENT

Objectives: 1) To assist the student in appreciating that the age of puberty varies with each individual and to understand the changes that will be taking place.

To assist the student in understanding the anatomy and physiology of the male and female reproductive systems.

A. Pre Test

B. Special Phase of Physical Growth—Time and Length Varies

It is at this time of your life that you are beginning to be aware of your sexuality, a gift

beginning to be aware of your sexuality, a gift to be appreciated and understood. What do we call this time of life? What does puberty mean? It is a Latin word for the age of

* * * * *

Complications and/or Side Effects

- Allergic reaction to diaphragm and/or spermicide
- Pelvic Pain
- Cramps
- Urinary Retention
- Recent reports show the association of spermicides to the future development of congenital abnormalities.
- Toxic Shock

Effectiveness

About 97% effective if used correctly, and consistently, but much less effective if used carelessly. (H.E.W. Statistics, 1976)

4) STERILIZATION—The two major forms of sterilization are occlusive procedures either for the Fallopian Tubes in the Female or the Vas Deferens in the Male.

Mechanism of Action

TUBAL LIGATION in the Female—ligation of the fallopian tubes prevents the eggs from passing through the tubes.

VASECTOMY in the Male—ligation of the vas deferens, the major duct which carries sperm from the testes to the outside of the body.

Complications and/or Side Effects

Risk of surgical procedures.

Effectiveness

Almost 100% effective and not usually reversible. (H.E.W. Statistics, 1976)

The Church's Teaching on Artificial Contraception

1) The Church condemns direct sterilization and contraception:
   - Because it deliberately frustrates the natural power of conjugal acts to generate life, is a grave sin and is intrinsically evil. (Pius XI—Casti Connubii)
   - Every action which renders procreation impossible is to be excluded; and directly intended sterilization is an intrinsic disorder unworthy of the human person. (Paul VI—Humanae Vitae)
2) The Church permits indirect sterilization in some cases (Humanae Vitae, Pius XII)
   - Sterilization is possible when generative organs are diseased, or continued presence of normal functioning exacerbates diseased condition of another organ. (Example: ovaries can be removed in women with the kind of breast cancer which is stimulated by the presence of estrogen.)
   - Sterilization is not possible when future pregnancy threatens a woman because that danger arises only after voluntary sexual intercourse results in a pregnancy.
   - With regard to the principle of totality, Pope Pius XII taught that every organ must cede to the good of the whole, but certain conditions need to be verified. These are:
     - continued presence of pathology or injury causing serious damage and threat.
     - damage or threat lessened by the proposed surgery or amputation.
     - positive effects which outweigh the negative.
3) The Church permits Natural Family Planning
   - It is morally licit under certain conditions to desire that a child not be conceived.

– It is permissable for married couples to engage in sexual intercourse only during the sterile period of the menstrual cycle.
– It is licit to make use of the natural rhythms of the menstrual cycle, but serious motives are required.

(Pius XI, Pius XII, Paul VI)

* * * * *

Prostaglandins (hormone-like substances) or Hypertonic (concentrated) Salt Solution is injected into the womb. Both substances cause the womb to contract, causing the fetus to be born before it can survive outside the womb. Saline, in addition, scalds the fetus' skin and causes an electrolyte imbalance: usually the fetus dies in the womb.

DILATION AND EVACUATION ("D & E") – This procedure is similar to a D & C. The cervix is dilated with dilators or with dried stems of the seaweed, Luminaria. A special instrument called "Ovum Forceps" is used to strip the fetus and membranes from the uterine wall: large parts, such as the head and chest, are crushed with the instrument.

3) Third Trimester Abortions:

INSTILLATION ABORTIONS – (same as in Second Trimester Abortions)

HYSTEROTOMY – An abdominal operation, using the same surgical techniques as for a Caesarian Section Delivery, but no attempt is made to resuscitate the baby.

NOTE: Occasionally, babies from Installation and Hysterotomy procedures may be born alive.

4) Legal Requirements in Massachusetts:

For adults and emancipated minors there are NO restrictions. Minors (under 18) must have permis-

sion of a parent, or if the parent is unwilling, they can partition the court. There is no limit, in any case, at which stage of pregnancy the abortion is done.

Complications of Induced Abortions

1) Medical

IMMEDIATE COMPLICATIONS include death, retained fetal parts (causing hemorrhage and/or infection), tear or perforation of the uterus with hemorrhage and/or infection, prolonged bleeding, urinary tract and pelvic infections, cervical damage, scar tissue in the uterus, and endometriosis. Occasionally, abdonimal operations are necessary to repair uterine or intestinal perforations. On an average, ten percent of women who have abortions suffer some kind of complication; one percent suffer a serious complication.

DELAYED COMPLICATIONS occur especially in women who have had more than one abortion – these include failure to carry subsequent pregnancies to term (miscarriages and premature birth) and infertility.

2) Psychological

Both Immediate and Delayed, these complications include recurrent anxiety reactions, sever guilt feelings and depression.

Are there any absolute indications for performing an aborttion?

Medical – NO! Due to modern medical advances, even patients with severe heart, kidney or lung diseases or diabetes can be carried to term. Admittedly, in some cases it would be wiser to avoid getting pregnant: hence, responsible use of sexuality should be encouraged.

NOTE: Even very young girls can be carried to term safely if they receive good prenatal care. No genetic disease of the fetus would endanger the life of the mother.

Psychological—NO absolute indication either. In fact, women with psychiatric problems are more likely to suffer from an abortion than benefit from it. Also, no severe psychiatric consequences from carrying a pregnancy to term due to rape.

The Church's Teaching on Abortion

No reason, medical, economic, or social can morally justify a deliberate and direct attack on the life of an innocent human being regardless of age, mental or physical condition, or social status.

"Life must be protected with the utmost care from the moment of conception: abortion and infanticide are abominable crimes." (2nd Vatican Council—Gaudium et Spes #5)

Exhibit 9

St. Agatha School—440 Adams Street
Milton, Massachusetts 02186—Telephone 696-3548

October 14, 1982

Mrs. Mary Conroy R.N.
St. Margaret's Hospital
Cushing Street, Dorchester, Ma. 02124

Dear Mrs. Conroy:

It is with a deep sense of sincerity that I write to express the gratitude of the faculty and parents of St. Agatha's School for your presentation of the Family Life Program.

The parents were both enthused and happy that this type program was being made available to their children. The response was one hundred percent and all the students participated in the program. The students were very pleased and I know that the parents were happy also to know that this much needed information was being presented in a Christian atmosphere, and the focus of sexuality was shifted to the total person in Christ.

* * * * *

The results may not be evident tomorrow, or even next year, but hopefully in the years to come, these students will be better adjusted persons because they were given understanding and support to explore their own needs, as they travel life's highway with God, as their co-pilot!

May God continue to bless you and the work you are doing for others.

Sincerely in Christ,
/s/ SR. M. JOANICE
Sr. M. Joanice, C.S.J.
Principal

N.B. Enclosed is a check for $250.00 for the continuation of this worthwhile project, through the kindness of our Pastor, Rev. F.X. Turke.

Exhibit 14

December 28, 1983

Dear Parent/Student:

St. Mary's High School CCD program will alter its format in January and February in order to present a program entitled "Family Life and Human Sexuality" to all students in grades 9 to 12. This program will be presented by the Family Life Education Department at St. Margaret's Hospital in Dorchester. The department, headed by Mrs. Mary Conroy, R.N., has been conducting similar programs throughout the Archdiocese, both in CCD programs and in the parochial schools.

The importance of providing sex education to our youth was highlighted only three weeks ago by Pope John Paul and the Bishops.

• • • • •

I can not over emphasize the importance of this program.

Sincerely Yours in Christ,

Msgr. Charles Dewey

Exhibit 15

FILMSTRIPS – SEX EDUCATION SERIES – 7

A Complete Curriculum of Gospel Oriented Materials Field Tested and Certified by Authorities:

This series is a unique approach to sex education, thoroughly modern, based on the Gospels. Materials are graded for use from early childhood through adulthood. The questions most frequently asked at each age level are answered with dignity and accuracy. Human sexuality is treated in the total context of Gods plan for manking.

I WONDER, I WONDER (Ages 5-8)

A delightful and instructive story about two small children whose mother has given birth to twins. Dad, mom and the grandparents help supply answers to the childrens many questions.

WONDERFULLY MADE (Ages 9-11)

Speaks directly to Christian preteens emphasizing the wonders of Gods continuing creative activity. Helps preadolescents understand and anticipate physical and emotional changes that accompany maturity. Glossary and bibliography included.

TAKE THE HIGH ROAD (Ages 12-14)

Encourages young teens to make the most of adolescent years. Helps them move toward successful manhood and womanhood. Includes glossary and bibliography.

LIFE CAN BE SEXUAL (Ages 15 and up)

Shows how sex, sexuality and Christianity interrelate, and speaks frankly and helpfully of the issues that teenagers face.

PARENTS GUIDE TO CHRISTIAN CONVERSATION ABOUT SEX

A handbook to help Christian parents provide sound sex education for their children.

CHRISTIAN VIEW OF SEX EDUCATION:

Shows the churches responsibilities and opportunities in sex education and suggests approaches and programs.

FILMSTRIPS–6

GRADE 4 *LIVING GODS WORD.*

1. Introduction to (Living Gods Word) for Parents & Catechists.
2. The Beatitudes: Happy Ways to live.
3. The Mass: We celebrate the Lords Day.
4. The Sacrament of Reconcilliation: We celebrate Gods Mercy.
5. The Ten Commandments: Growing up in Gods family.
6. We honor Mary, the Mother of God.

GRADE 5

1. Introduction for Parents and Catechists.
2. Sacraments of initiation: Belonging to the Christian Community.
4. The Works of Mercy: Growing in a Christian Community.
5. The Church Year. We celebrate the Life of Jesus.
6. The Eucharist: We celebrate the signs and symbols.

EXHIBIT 20

TRAINING SESSIONS PLACE	CLERGY/FACULTY	NUMBER ATTENDING	AMOUNT of TIME	DATE
Notre Dame Academy	-			
HINGHAM	Religious Educators	125	4 hours	10/02/82
BOSTON	Public Health Nurses	10	2 hours	11/03/82
SOMERVILLE	Faculty, Grades 6-7-8	20	2 hours	11/17/82
St. Margaret's Hospital DORCHESTER	Seminarians from the Archdiocese of Boston	4	2 hours	11/18/82
BROCKTON	High School Faculty	40	2 hours	11/22/82
KINGSTON	Faculty Grades K through 12	50	4 hours	11/30/82
SOUTH EASTON	Religious Education Coordinators	40	2 hours	12/08/82
St. Margaret's Hospital DORCHESTER	Catholic Charities Representatives	10	2 hours	01/12/83

EXHIBIT 20 – Continued

TRAINING SESSIONS/PLACE	CLERGY/FACULTY	NUMBER ATTENDING	AMOUNT of TIME	DATE
HOLBROOK	Faculty, Grades 5-6-7-8	10	3 hours	01/12/83
SOMERVILLE	Somerville Ecumenial Clergy Association	15	2 hours	02/04/83
BRIGHTON	Deacons at St. John's Seminar	12	2 hours	02/09/83
TOTALS		336	27 hours	